

STATE OF IOWA
1933-1934

Journal of the Senate

OF THE

Forty-fifth General Assembly Extraordinary Session

CONVENED NOVEMBER 6, 1933

ADJOURNED MARCH 12, 1934

CLYDE L. HERRING Governor
NELSON G. KRASCHEL, President of the Senate
GEORGE E. MILLER, Speaker of the House

Published by
THE STATE OF IOWA
Des Moines

FORTY-FIFTH GENERAL ASSEMBLY

Extraordinary Session

NELSON G. KRASCHEL, President.....	Harlan
HAROLD L. IRWIN, President Pro Tempore.....	DeWitt
BYRON G. ALLEN, Secretary.....	Pocahontas
WALTER H. BEAM, Assistant Secretary.....	Martensdale
ROBERT C. PHILLIPS, Reading Clerk.....	Des Moines
SARA J. CONLIN, Engrossing Clerk.....	Dubuque
ELEANOR TAYLOR, Enrolling Clerk.....	Des Moines
DAYLE GRANDEY, Assistant Enrolling Clerk.....	Burlington
HELEN UHL, Enrolled Bills Clerk.....	Des Moines
RAY R. SHEEHAN, General Clerk.....	Cascade
GLADYS LEWIS, Assistant General Clerk.....	Des Moines
CATHERINE HICKLIN, Journal Clerk.....	Wapello
MYRTLE WHITEHILL, Assistant Journal Clerk.....	Shenandoah
ELEANOR MABEN, Assistant Journal Clerk.....	Mason City
MARJORIE WILKINSON, Bill Clerk.....	Mount Ayr
HOWARD F. O'BRIEN, File Clerk.....	Independence
ELLA MILLISACK, Postmistress.....	Ottumwa
W. C. BOYLE, Sergeant-at-Arms.....	Daugherty
HARRY WILSON, Assistant Sergeant-at-Arms.....	Des Moines
REDFIELD C. MILLS, Chief Doorkeeper.....	Redfield
A. H. MALCOLM, Secretary's Clerk.....	Pocahontas

ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

NAME	Office	Address
Clyde L. Herring.....	Governor.....	Des Moines.....
Nelson G. Kraschel.....	Lieutenant Governor.....	Harlan.....
Mrs. Alex Miller.....	Secretary of State.....	Washington.....
C. W. Storms.....	Auditor of State.....	Fort Madison.....
Leo J. Wegman.....	Treasurer of State.....	Carroll.....
Ray Murray.....	Secretary of Agriculture.....	Buffalo Center.....
Edward L. O'Connor.....	Attorney General.....	Iowa City.....
Charles Webster.....	Railroad Commissioner.....	Waucoma.....
Fred P. Woolf.....	Railroad Commissioner.....	Knoxville.....
M. P. Conway.....	Railroad Commissioner.....	Atlantic.....
Agnes Samuelson.....	Superintendent of Public Instruction.....	Shenandoah.....
William D. Evans.....	Judge of Supreme Court.....	Hampton.....
Truman S. Stevens.....	Judge of Supreme Court.....	Hamburg.....
James W. Kindig.....	Judge of Supreme Court.....	Sioux City.....
E. G. Albert.....	Judge of Supreme Court.....	Jefferson.....
Maurice F. Donegan.....	Judge of Supreme Court.....	Davenport.....
John W. Kintzinger.....	Judge of Supreme Court.....	Dubuque.....
John W. Anderson.....	Judge of Supreme Court.....	Sioux City.....
Richard F. Mitchell.....	Judge of Supreme Court.....	Fort Dodge.....
George Claussen.....	Judge of Supreme Court.....	Clinton.....

SENATORS—FORTY-FIFTH GENERAL ASSEMBLY—EXTRAORDINARY SESSION

NAME	Address	Age	Occupation	Politics	District	Counties Composing District	Former Legislative Experience
Anderson, Paul H.	Harcourt	41	Farmer, Feeder	Dem.	27	Webster, Calhoun	45
Aschenbrenner, Carl	Pella	65	Physician, Surgeon	Dem.	15	Marion, Monroe	45
Baldwin, Howard C.	Cascade	29	Publisher	Dem.	35	Dubuque	45
Beardsley, Wm. S.	New Virginia	31	Pharmacist, Jeweler	Rep.	11	Clarke, Warren	45
Beatty, Frank M.	Sigourney	49	Lawyer	Rep.	12	Poweshiek, Keokuk	42-42X-43-44-45
Bennett, Oliver P.	Mapleton	40	Lawyer, Farmer	Rep.	34	Crawford, Harrison, Monona	43-44-45
Booth, Chas. D.	Harlan	62	Business Man, Farmer	Rep.	18	Cass, Shelby	42-42X-43-44-45
Byers, Frank C.	Cedar Rapids	49	Lawyer	Rep.	26	Linn	43-44-45
Calhoun, John N.	Keosauqua	29	Lawyer, Farmer	Rep.	2	Jefferson, Van Buren	45
Carden, William	Winfield	56	Insurance, Banker, Farmer	Rep.	10	Washington, Henry	29-30-31-42-42X-43-44-45
Chrystal, I. G.	Coon Rapids	47	Farmer	Dem.	48	Carroll, Greene, Sac.	45
Coykendall, Frank I.	Shenandoah	54	Farmer	Dem.	7	Fremont, Page	44-45
Doze, J. E.	Humeston	78	Automobile Dealer	Dem.	4	Lucas, Wayne	35-36-45
Elthon, Leo	Fertile	34	Farmer	Rep.	41	Mitchell, Winnebago Worth	45
Fisch, Mike G.	Le Mars	40	Clothier, Salesman	Dem.	46	Cherokee, Ida, Ply- mouth	45
Frailey, Joe R.	Fort Madison	56	Lawyer	Rep.	1	Lee	36-37-38-39-42-42X-43-44-45
Geske, M. X.	McGregor	61	Lawyer	Dem.	36	Clayton	45
Harrington, Vincent F.	Sioux City	29	Mortgage Banker	Dem.	32	Woodbury	45
Hicklin, E. R.	Wapello	37	Lawyer	Rep.	20	Louisa, Muscatine	44-45
Hill, Lafe	Nora Springs	66	Publisher	Rep.	44	Chickasaw, Floyd	41-42-42X-43-44-45
Hopkins, Geo. M.	Guthrie Center	66	Farmer	Rep.	17	Audubon, Dallas, Guthrie	42-42X-43-44-45
Hush, Homer	Essex	43	Farmer	Rep.	8	Mills, Montgomery	43-44-45
Husted, Ora E.	Truro	56	Farmer	Rep.	16	Adair, Madison	44-45
Irwin, Harold L.	DeWitt	35	Lawyer	Dem.	22	Clinton	44-45
Kimberly, D.W.	Davenport	54	Retired Farmer	Rep.	21	Scott	36-37-38-39-40-40X-41-42-42X-43-44-45
Klemme, Wm. H.	Ridgeway	83	Lumber, Implements, Coal	Rep.	42	Howard, Winneshiek	25-26-27-42-42X-43-44-45
Knudson, Irving H.	Ellsworth	36	Insurance, Real Estate Auct.	Rep.	37	Hamilton, Hardin, Wright	41-42-42X-43-44-45
Leo, Richard V.	Dysart	44	Farmer	Rep.	45	Tama, Benton	45
Meyer, L. H.	Readlyn	55	Farmer, Live Stock Buyer	Dem.	39	Bremer, Butler	45
Miller, Henry D.	Morley	65	Farmer, Stockman	Dem.	24	Cedar, Jones	45
Miller, Warren F.	Independence	66	Editor	Dem.	33	Buchanan, Delaware	45
Moore, Morris	Walnut	58	Physician, Surgeon	Dem.	19	Pottawattamie	45

SENATORS—FORTY-FIFTH GENERAL ASSEMBLY—EXTRAORDINARY SESSION—Continued

NAME	Address	Age	Occupation	Politics	District	Counties Composing District	Former Legislative Experience
Mullaney, T. W.	Waukon	49	Farmer, Stockman, Auct.	Dem.	40	Allamakee, Fayette	45
McArthur, Wm.	Mason City	46	Farmer	Dem.	43	Cerro Gordo, Franklin, Hancock	45
Nelson, Fred W.	Nevada	46	Farmer	Rep.	31	Story, Boone	43-44-45
Patterson, G. W.	Burt	45	Farmer	Rep.	47	Kossuth, Emmet, Palo Alto, Dickinson, Clay	40-40 X-41-42-42X-43-44-45
Pendray, Carolyn C.	Maquoketa	51	Homemaker	Dem.	23	Jackson	43-44-45
Reese, Chris.	Marshalltown	51	Newspaperman	Dem.	28	Marshall	45
Ritchie, W. R.	Marathon	65	Farmer, Auctioneer	Rep.	50	Buena Vista, Pochontas, Humboldt	44-45
Roelofs, Garritt E.	Sioux Center	32	Editor, Publisher	Rep.	49	Lyon, O'Brien, Osceola, Sioux	45
Schmidt, Paul W.	Iowa City	46	Manufacturer, Jobber	Dem.	25	Iowa, Johnson	45
Shangle, L. T.	Oskaloosa	69	Retired Lawyer, Farmer	Dem.	14	Mahaska	45
Stanley, Claude	Corning	60	Lawyer	Rep.	6	Adams, Taylor	45
Stevens, Frank M.	Garden Grove	60	Merchant	Dem.	5	Decatur, Ringgold, Union	45
Stevens, Roy E.	Ottumwa	54	Merchant, Dairy Farming	Dem.	13	Wapello	44-45
Topping, Clyde H.	Burlington	48	Real Estate	Rep.	9	Des Moines	42-42X-43-44-45
Tripp, D. Myron	Newton	50	Lawyer	Dem.	29	Jasper	45
Valentine, John K.	Centerville	28	Lawyer	Dem.	3	Appanoose, Davis	45
Wenner Edw. J.	Waterloo	52	Lawyer	Rep.	38	Black Hawk, Grundy	44-45
Wilson Geo. A.	Des Moines	48	Lawyer	Rep.	30	Polk	42-42X-43-44-45

MEMBERS OF THE HOUSE—FORTY-FIFTH GENERAL ASSEMBLY—EXTRAORDINARY SESSION

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NAME	Address	Age	Occupation	Politics	District	Counties Composing District	Former Legislative Experience
Aldrich, R. E. Lee	Belmond	63	Farmer	Dem.	75	Wright	45
Alesch, Gustave	Marcus	55	Farmer	Dem.	80	Plymouth	45
Augustine, F. D.	Benton	46	Farm Equipment Dealer	Dem.	7	Ringgold	44-45
Avery, A. H.	Spencer	63	Insurance	Rep.	83	Clay	44
Beath, F. H.	Corning	60	Farmer	Rep.	13	Adams	44-45
Beswick, C. L.	Stockport	58	Farmer	Dem.	2	Van Buren	45
Bonnstetter, A. H.	West Bend	40	Farmer	Dem.	85	Kossuth	44-45
Bouska, Joseph D.	Protivin	47	Manager Telephone Company	Dem.	92	Howard	45
Bowers, L. C.	Kent	65	Merchant	Rep.	14	Union	45
Brady, John F.	Council Bluffs	30	Lawyer	Dem.	31	Pottawattamie	45
Bruce, Marion	Rolfe	62	Publisher	Rep.	77	Pocahontas	45
Burgess, James	Sioux City	62	Loans, Real Estate	Dem.	58	Woodbury	45
Casey, Jas. G.	Osage	51	Farm Equipment	Dem.	93	Mitchell	45
Craven, J. E.	Kellogg	66	Farmer	Dem.	38	Jasper	36-44-45
Crouch, S. B.	Jefferson	49	Farmer	Dem.	54	Greene	45
Cunningham, Paul H.	Des Moines	42	Lawyer	Rep.	37	Polk	45
Davis, Forest	Moulton	53	Veterinarian, Farmer	Dem.	4	Appanoose	45
Dean, Earl M.	Mason City	37	Farmer	Dem.	87	Cerro Gordo	45
Dole J. Wilbur	Fairfield	63	Farmer	Dem.	19	Jefferson	45
Donlon, P. H.	Ruthven	71	Farmer	Dem.	84	Palo Alto	44-45
Doran, Ben B.	Grand Jct.	48	Farmer	Rep.	53	Boone	45
Dressen, Wm. J.	Breda	42	Farmer	Dem.	56	Crawford	45
Durant, S. B.	Forest City	60	Farmer	Rep.	86	Hancock	36-44-45
Elliott, E. A.	Des Moines	64	Minister	Rep.	37	Polk	41-42-42X-43-45
Ellsworth, E. O.	Iowa Falls	58	Banking, Farming	Rep.	64	Hardin	43-44-45
Fabritz, Ernest H.	Ottumwa	37	Hardware Merchant	Dem.	18	Wapello	44-45
Falvey, M. C.	Albia	65	Lumberman	Dem.	17	Monroe	45
Felter, Victor	Indianola	55	Farmer	Rep.	27	Warren	44-45
Fletcher, C. L.	Ocheyedan	46	Farmer	Rep.	98	Osceola	45
Foster, La Mar P.	West Branch	34	Farmer	Dem.	44	Cedar	45
Frizzell, J. W.	Brooklyn	67	Retired Farmer	Dem.	39	Poweshiek	45
Fuelling, Otto	Farmersburg	43	Lumber Business	Dem.	70	Clayton	45
Fuester, C. E. R.	Ida Grove	56	Farmer, Insurance	Dem.	59	Ida	44-45
Gallagher, J. P.	Williamsburg	71	Journalist	Dem.	40	Iowa	40-40X-44-45
Garner, Ada	Shell Rock	50	Farming	Dem.	73	Butler	45
Gittinger, G. J.	Chariton	73	Farmer, City Assessor	Dem.	16	Lucas	45
Gissel, W. H.	Independence	60	Farmer	Dem.	67	Buchanan	44-45
Goode, Dewey E.	Bloomfield	34	Produce, Fur Dealer	Rep.	3	Davis	45
Grau, O. J.	Newell	42	Farmer	Rep.	78	Buena Vista	45
Grell, Christian	Donahue	54	Farmer, Saw Milling	Dem.	43	Scott	45
Hanson Arthur C.	Inwood	41	Farmer	Rep.	99	Lyon	45

MEMBERS OF THE HOUSE

Hanson H. N.	Leland	56	Farmer	Rep.	95	Winnebago	41-42-42X-43-44-45
Hartman, Henry M.	Burlington	58	Boiler Inspector	Dem.	21	Des Moines	45
Hook, Chas. S.	New Market	68	Farmer	Dem.	8	Taylor	44-45
Hough, H. B.	Oelwein	60	Stock Buyer	Dem.	7	Payette	45
Hopp, R. C.	Glenwood	62	Farmer	Dem.	11	Mills	45
Hultman, O. N.	Stanton	45	Lumber Business	Rep.	12	Montgomery	45
Humeston, Alva	Humeston	80	Retired Grain, Live Stock	Dem.	5	Wayne	45
Jenkins, John J.	Columbus Jct.	53	Farmer	Rep.	22	Louisa	45
Jensen, T. G.	Kimballton	58	Contractor	Dem.	34	Aububon	45
Johnson, Elmer A.	Cedar Rapids	61	Lawyer	Rep.	48	Linn	45
Koch, Wm.	Waverly	46	Real Estate, Insurance	Dem.	72	Bremer	44-45
Laughlin, E. P.	Imogene	51	Farmer	Dem.	10	Fremont	42-42X-44-45
Lichty, E. M.	Waterloo	65	Retired Farmer	Rep.	66	Black Hawk	40-40 X-41-42-42X-43-44-45
Lookingbill, C. E.	Nevada	56	Craftsman, Minister	Rep.	52	Story	45
Malone, C. E.	Atlantic	51	Farmer	Dem.	30	Cass	44-45
Maniece, E. J.	Estherville	42	Farmer	Dem.	96	Emmet	45
McCarthy, Frank J.	Sioux City	28	Salesman	Dem.	58	Woodbury	45
McCreery, D. R.	Alburnett	71	Farmer	Rep.	48	Linn	43-44-45
McDermott, John	Bridgewater	54	Farmer	Dem.	29	Adair	44-45
McFarlane, Arch W.	Waterloo	47	Coal Dealer	Rep.	66	Black Hawk	38-38 X-39-42-42X-43-44-45
McKinnon, Curtis L.	New London	42	Farmer	Dem.	20	Henry	45
McLean, Don V.	Marshalltown	52	Farmer	Rep.	51	Marshall	45
Mercer, Leroy S.	Iowa City	43	Manufacturer	Dem.	41	Johnson	45
Metcalf, B. L.	Nichols	64	Farmer, Stockman	Dem.	42	Muscatine	45
Miller, George E.	Harlan	56	Farmer, Stockman	Dem.	33	Shelby	40-40X-41-42-42X-43-44-45
Mitchell, John H.	Fort Dodge	33	Lawyer	Dem.	62	Webster	45
Millhone, Paul L.	Clarinda	39	Lawyer	Rep.	9	Page	44-45
Moore, Charles D.	Urbana	53	Insurance, Farming	Dem.	49	Benton	45
Moore, R. G.	Dunlap	44	Veterinarian	Dem.	32	Harrison	45
Mooty, W. A.	Grundy Center	69	Farmer	Rep.	65	Grundy	37-38-45
Osborn, Walter	Leon	54	Farmer, Insurance	Dem.	6	Decatur	44-45
Ostby, Paul I. D.	Kensett	56	Farmer	Dem.	94	Worth	45
Paisley, Wm.	Donnellson	66	Farmer	Dem.	1	Lee	44-45
Peaco, Milton	Clinton	56	Machinist	Dem.	45	Clinton	44-45
Peet, R. Arno	Bagley	31	Editor, Publisher	Rep.	35	Guthrie	45
Porter, E. B.	Delhi	70	Farmer, Insurance	Dem.	68	Delaware	45
Rawlings, Ed.	Onawa	60	Farmer	Dem.	57	Monona	43-44-45
Reed, I. M.	Oskaloosa	62	Auctioneer	Dem.	25	Mahaska	44-45
Rice, C. L.	Delta	43	Farmer	Dem.	24	Keokuk	45
Roe, Ove T.	Waukon	45	Farmer	Dem.	90	Allamakee	44-45
Ryder, John	Dubuque	64	Real Estate	Dem.	60	Dubuque	41-42-42X-43-44-45
Schlatter, Geo. M.	Bellevue	69	Grain and Seed Dealer	Dem.	46	Jackson	45
Schmitz, T. F.	Ossian	58	Newspaper Publisher	Dem.	91	Winneshiak	45
Schroeder, John H.	Arcadia	67	Farmer	Dem.	55	Carroll	45
Sheridan, Wm. R.	Keokuk	37	Lawyer	Dem.	1	Lee	45
Smith, William H.	Quimby	66	Farmer	Dem.	79	Cherokee	45
Snyder, Frank G.	Webster City	66	Auto Dealer, Farmer	Rep.	63	Hamilton	44-45
Sours, Roy J.	Charles City	49	Farmer, Insurance	Rep.	88	Floyd	44-45
Spedel, John	Washington	43	Farmer	Rep.	23	Washington	45
Stansell, M. R.	Osceola	46	Lawyer	Dem.	15	Clarke	45

MEMBERS OF THE HOUSE—FORTY-FIFTH GENERAL ASSEMBLY—EXTRAORDINARY SESSION—Continued

NAME	Address	Age	Occupation	Politics	District	Counties Composing District	Former Legislative Experience
Stanzel, George C.	Sac City	67	Farm Manager	Rep.	60	Sac	44-45
Stewart, Andrew	Rockwell City	60	Farmer, Livestock	Dem.	61	Calhoun	45
Stimpson, Thomas	Anamosa	39	Farmer	Dem.	47	Jones	45
Strachan, W. H.	Humboldt	58	Farmer	Rep.	76	Humboldt	44-45
Swift, Sam	Dubuque	56	Barber, Barber Supplies	Dem.	69	Dubuque	45
Peter, L. D.	Knoxville	63	Attorney	Rep.	26	Marion	45
Thies, William	Avoca	72	Retired Farmer	Dem.	31	Pottawattamie	45
Thiessen, J. H.	Camanche	62	Farmer	Dem.	45	Clinton	44-45
Trelmer, Wm.	Hartley	46	Insurance	Dem.	82	O'Brien	45
Weed, A. R.	Winterset	55	Methodist Minister	Rep.	28	Madison	45
Wieben, Edward E.	Dysart	50	Lawyer	Dem.	50	Tama	45
Wiese, Louis H.	Davenport	42	Salesman	Dem.	43	Scott	45
Willis, Blake	Perry	40	Lawyer	Rep.	36	Dallas	45
Wolf, A. W.	Hampton	57	Farmer, Brick, Tile	Dem.	74	Franklin	45
Yager, W. A.	Montgomery	44	Merchant, Insurance	Dem.	97	Dickinson	45
Zipse, Lloyd W.	Lawler	42	Farmer	Dem.	89	Chickasaw	45
Zylstra, Charles J.	Hawarden	41	Home Appliance Dealer	Dem.	81	Sioux	45

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, NOVEMBER 6, 1933.

Pursuant to the proclamation of the Governor, the Honorable Clyde L. Herring, the Forty-fifth General Assembly convened in extraordinary session at 10:00 a. m. The Senate was called to order by Lieutenant-Governor N. G. Kraschel.

Prayer was offered by Rev. Stoddard Lane, pastor of the Plymouth Congregational Church of Des Moines, Iowa.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was organized and ready to receive any communications that the Senate desired to transmit. The report was received.

Senator Byers moved that the following persons be named as the temporary officers of the Senate:

Byron G. Allen of Pocahontas County, temporary secretary.
Walter H. Beam of Warren County, temporary assistant secretary.
Robert C. Phillips of Polk County, temporary reading clerk.
Catherine Hicklin of Louisa County, temporary journal clerk.
W. D. Wallace of Pocahontas County, temporary sergeant-at-arms.
Redfield C. Mills of Dallas County, temporary chief doorkeeper.

The motion prevailed and the above named temporary officers appeared before the desk of the Lieutenant-Governor and took their respective oaths of office.

COMMITTEE ON CREDENTIALS

Senator Irwin moved that the President name a committee of five to act as a committee on credentials in accordance with Section 8 of Chapter 2, Code of 1931.

The motion prevailed and the President named Senators Irwin, Miller of Jones, Schmidt, Beardsley and Elthon.

CALL OF THE SENATE

MR. PRESIDENT: We, the undersigned, respectfully request a call of the Senate for the Legislative days of November 6th and 7th, 1933.

ROY E. STEVENS	PAUL W. SCHMIDT
FRANK M. STEVENS	CAROLYN C. PENDRAY
I. G. CHRYSTAL	JOHN K. VALENTINE
PAUL H. ANDERSON	H. L. IRWIN
CARL ASCHENBRENNER	VINCENT F. HARRINGTON
L. H. MEYER	FRANK I. COYKENDALL
WM. MCARTHUR	D. MYRON TRIPP

Roll was called to determine the Senate personnel, showing the presence of the following senators:

Anderson	Fisch	McArthur	Schmidt
Aschenbrenner	Frailey	Meyer	Shangle
Beardsley	Harrington	Miller of	Stanley
Beatty	Hicklin	Buchanan	Stevens of
Bennett	Hill	Miller of Jones	Decatur
Booth	Hopkins	Mullaney	Stevens of
Byers	Hush	Nelson	Wapello
Calhoun	Husted	Patterson	Topping
Carden	Irwin	Pendray	Tripp
Chrystal	Kimberly	Reese	Valentine
Coykendall	Klemme	Ritchie	Wenner
Doze	Knudson	Roelofs	Wilson
Elthon			

Roll call revealed the absence of Senators Geske and Moore.

REPORT OF COMMITTEE ON CREDENTIALS

The following majority report was filed with the Secretary:

MR. PRESIDENT: We find that the following newly elected senators, namely, Howard C. Baldwin of the Thirty-fifth Senatorial District of Iowa and also Richard V. Leo of the Forty-fifth Senatorial District of Iowa have been duly elected and are entitled to a seat in this body and also that the following holdover senators are entitled to a seat in this body:

First District, Joseph R. Frailey.
 Second District, John N. Calhoun.
 Third District, John K. Valentine.
 Fourth District, J. E. Doze.
 Fifth District, Frank M. Stevens.
 Sixth District, Claude Stanley.
 Seventh District, Frank I. Coykendall.
 Eighth District, Homer Hush.
 Ninth District, Clyde H. Topping.
 Tenth District, Wm. Carden.
 Eleventh District, Wm. S. Beardsley.
 Twelfth District, Frank M. Beatty.
 Thirteenth District, Roy E. Stevens.
 Fourteenth District, L. T. Shangle.

Fifteenth District, Carl Aschenbrenner.
Sixteenth District, Ora E. Husted.
Seventeenth District, Geo. M. Hopkins.
Eighteenth District, Charles D. Booth.
Nineteenth District, Morris Moore.
Twentieth District, E. R. Hicklin.
Twenty-first District, D. W. Kimberly.
Twenty-second District, H. L. Irwin.
Twenty-third District, Carolyn C. Pendray.
Twenty-fourth District, Henry D. Miller.
Twenty-fifth District, Paul W. Schmidt.
Twenty-sixth District, Frank C. Byers.
Twenty-seventh District, Paul H. Anderson.
Twenty-eighth District, Chris Reese.
Twenty-ninth District, D. Myron Tripp.
Thirtieth District, Geo. A. Wilson.
Thirty-first District, Fred W. Nelson.
Thirty-second District, Vincent F. Harrington.
Thirty-third District, Warren F. Miller.
Thirty-fourth District, O. P. Bennett.
Thirty-sixth District, M. X. Geske.
Thirty-seventh District, Irving H. Knudson.
Thirty-eighth District, Edw. J. Wenner.
Thirty-ninth District, L. H. Meyer.
Fortieth District, T. W. Mullaney.
Forty-first District, Leo Elthon.
Forty-second District, W. H. Klemme.
Forty-third District, Wm. McArthur.
Forty-fourth District, Lafe Hill.
Forty-sixth District, Mike G. Fisch.
Forty-seventh District, G. W. Patterson.
Forty-eighth District, I. G. Chrystal.
Forty-ninth District, Garritt E. Roeloffs.
Fiftieth District, W. R. Ritchie.

H. L. IRWIN, *Chairman*

H. D. MILLER

PAUL W. SCHMIDT.

The following minority report was filed with the Secretary:

MR. PRESIDENT: As members of your Committee on Credentials we submit the following minority report:

We concur with the majority report except the finding that Warren F. Miller is entitled to retain his seat as Senator representing the Thirty-third District.

We find that Warren F. Miller was elected for a term of four years beginning January 1, 1933; that he qualified and served in the 45th General Assembly as a Senator from the 33rd District; that in April 1933 he was appointed Acting Postmaster at Independence, Iowa, at a salary in excess of \$100 per annum; that he accepted and qualified for said position by taking the oath of office and filing an approved bond as

required, and entered upon his duties of said office; that the acceptance of such appointment and employment is a violation of Article III, Sec. 22 of the Constitution of the State of Iowa which is as follows:

"No person holding any lucrative office under the United States, or this State, or any other power, shall be eligible to hold a seat in the General Assembly: but offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmaster whose compensation does not exceed one hundred dollars per annum, or notary public, shall not be deemed lucrative."

Section 22 of Article III of the Constitution of Iowa provides as follows:

"No person holding any lucrative office under the United States or this state or any other power shall be eligible to hold a seat in the General Assembly: but offices in the militia to which there is attached no annual salary, or the office of justice of the peace or postmaster whose compensation does not exceed one hundred dollars per annum, or notary public, shall be deemed lucrative."

Under the above section Senator Miller has become disqualified from holding the office of State Senator. In April of this year he was appointed by the Postmaster General of the United States to the office of Postmaster of the city of Independence, Iowa. This is a first class postoffice and the salary is in excess of \$2500.00 per year. When he received the appointment he took the oath as acting Postmaster and filed a bond as such postmaster.

Section 39, Title 39, of the United States Code Annotated, referring to the postal service, provides as follows:

"Whenever the office of a postmaster becomes vacant through death, resignation, or removal, the Postmaster General shall designate some person to act as postmaster until a regular appointment can be made by the President in case the office is in the first, second, or third class, and by the Postmaster General when the office is in the fourth class; and the Postmaster General shall notify the General Accounting office of the change. The postmaster so appointed shall be responsible under his bond for the safe-keeping of the public property pertaining to the post office and the performance of the duties of his office until a regular postmaster has been duly appointed and qualified and has taken possession of the office. Whenever a vacancy occurs from any cause the appointment of the regular postmaster shall be made without unnecessary delay and the Postmaster General shall promptly notify the General Accounting Office of the change. (R. S. Sec. 3836; Mar. 1, 1921, c. 88, Sec. 1, 41 Stat. 1151; June 10, 1921, c. 18, Sec. 304, 42 Stat. 24.)"

It will be noted from the above section that the language in reference to an acting postmaster or a person acting as postmaster until a regular appointment, is referred to as "the postmaster so appointed", and further "duties of his office". From the texts of this statute it is apparent that an acting postmaster is an officer which disqualifies the senator from

holding his office as State Senator under the Iowa Constitution as above stated.

Section 7 of Article III of the Iowa Constitution provides:

"Each house shall choose its own officers and judge of the qualification, election and return of its own members. A contested election shall be determined in such manner as shall be directed by law." (Sec. 7, Article III, Constitution of Iowa.)

The acceptance by any member (of Congress) of any office under the United States after he has been elected to and taken his seat in Congress operates as a forfeiture of his seat. (VanNess CL. & H. Election Cases, 122.)

One accepting and holding an office incompatible with that of representative in Congress is ineligible to the latter office.

Bowen v. DeLarge, Smith Election Cases, 99 & 100.

The office of major of militia is an incompatible office under the holding of Congress in VanNess CL. & H. Election cases, 122.

The office of brigadier general in the voluntary forces of the United States is incompatible with that of member of either house of Congress.

Stanton v. Lane, Taft Election Cases, 205.

One who accepts a commission as colonel of volunteers is disqualified to become or remain a member of the house of representatives and the rule is not altered by reason of the fact that the commission is issued by the Governor of the State.

Baker, 1 Bart. Election Cases, 92;

Byington v. Vandever, 1 Bart. Election Cases, 395.

The above cases are referred to for the reason that the Constitution of the United States in reference to the eligibility of the members of Congress is practically identical with the Iowa Constitution in reference to members of the Legislature, the United States Constitution providing as follows:

"No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States."

In the case of Fekete v. East St. Louis, 40 A. L. R., 651, defines one who is an officer of the United States as follows:

"The Constitution defines an office as a public position created by the Constitution or law and continuing during the pleasure of the appointing power or for a fixed term with a successor elected or appointed. An officer of the United States is one who holds office by virtue of appointment by the president or by heads of departments authorized to make such appointments. United States v. Mouat, 124, U. S. 303 U. S. v. Germaine 99 U. S. 508.

The above case of United States v. Germaine discusses the question of who are and who are not officers. The court states in part as follows:

"If the punishment were designated for others than officers as defined by the Constitution, words to that effect would be used as 'servant', 'Agent', or 'persons' in the service or employment of the government,' and this has been done where it is so intended."

In the case of *United States v. Mouat*, referred to above, the Court in discussing who was an officer of the United States, stated:

"Unless a person in the service of the Government therefore holds his place by virtue of an appointment by the president or of one of the courts of justice or heads of departments authorized by law to make such an appointment, he is not, strictly speaking, an officer of the United States."

In the appointment of postmaster at Independence, the appointment was made by the Postmaster General of the United States, who is the head of the Postoffice Department. It seems, therefore, clear that the appointment made by the heads of the Department is an officer of the United States.

In *State ex rel McMullen v. Saddler* (25 Nev. 132, 83 Am. St. Rep. 573), it was held that a State Senator who accepts an appointment as paymaster in the United States Army with the rank of major thereby vacated his office of State Senator under a constitutional provision that no one holding any lucrative office under the Governor of the United States should be eligible to hold any civil office of profit under the State.

The Supreme Court of North Carolina in the case of *Groves v. Frank Barden*, 84 S. E. 1042, also 1917 A. L. R. A., holds that a rural mail carrier is an officer of the United States because he received his appointment from the postmaster general who is the head of a governmental department.

We therefore find Warren F. Miller not eligible to hold a seat in the Senate of this Extra-ordinary session of the 45th General Assembly under Article III, Sec. 22, of the Constitution of the State of Iowa and recommend that his seat be declared vacant.

WM. S. BEARDSLEY
LEO ELTHON.

On motion of Senator Hopkins, the Senate recessed until 10:00 a. m. tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, NOVEMBER 7TH, 1933.

The Senate met at the fall of the gavel, President N. G. Kraschel presiding.

Prayer was offered by Rev. E. J. Laird, Spanish-American war veteran and retired minister of the Methodist Church of Des Moines.

PROCLAMATION BY THE GOVERNOR

To the Senate and House of Representatives of the Forty-fifth General Assembly:

Whereas, It is deemed necessary and expedient to the Governor of the State of Iowa that certain measures concerning the tax revision, liquor control, emergency relief and other matters of vital public interest be enacted into legislation as speedily as possible, and

Whereas, Because of, and by virtue of the urgent necessity of such legislation as aforesaid, an extraordinary occasion exists within the contemplation of Section Eleven (11), Article Four (IV) of the Constitution of the State of Iowa.

Now, Therefore, I, Clyde L. Herring, Governor of Iowa, do hereby convene the Forty-fifth General Assembly in special session commencing on Monday, November sixth, 1933, at ten o'clock in the morning, for the purpose of enacting legislation on the various matters hereinbefore referred to.

In Testimony Whereof, I have hereunto affixed my signature and impression of the Great Seal of the State of Iowa.

(SEAL)

Done at Des Moines, this thirteenth day of October,
A. D., 1933.

CLYDE L. HERRING,
Governor of Iowa.

ATTEST:

MRS. ALEX MILLER,
Secretary of State.

The Senate recessed until the fall of the gavel.

The Senate reconvened at the fall of the gavel.

Roll was called under the call of the Senate to determine the presence of the Senate members.

The presence of all Senators was accounted for.

CONSIDERATION OF CREDENTIALS
COMMITTEE REPORT

The report of the credentials committee as filed in the Journal of November 6, on page 2 thereof, was taken up and considered.

Senator Patterson moved that, until rules are adopted to govern the Senate, rules of the 45th General Assembly be adopted to regulate the special session insofar as applicable.

The President informed Senator Patterson that inasmuch as the question before the Senate was the adoption of the credentials committee report, his motion could not be entertained by the chair, and in the meantime the Senate would be governed by Cushing's manual in accordance with section 12 of chapter 2 of the code of 1931.

Senator Irwin moved that the majority report of the credentials committee be adopted.

Senator Elthon moved that the minority report be substituted for the majority report.

Senator Valentine was called to the chair at 11:25 A. M.

President N. G. Kraschel returned to the chair at 11:28 A. M.

Senator Hicklin moved as a substitute that all holdover Senators be seated except Senator Miller of Buchanan, and that he be temporarily seated.

The President held that the motion was out of order as there was already a substitute motion before the Senate.

Senator Hush moved the previous question which motion prevailed.

Roll call was demanded.

Senator Frailey raised the point of order that there was a roll call pending and that speeches were out of order.

The President sustained the point of order.

On the question, "Shall the substitution be made?" the vote was:

Ayes, 16.

Beardsley	Carden	Husted	Ritchie
Booth	Elthon	Klemme	Stanley
Byers	Hopkins	Nelson	Wenner
Calhoun	Hush	Patterson	Wilson

Nays, 31.

Anderson	Geske	Meyer	Shangle
Aschenbrenner	Harrington	Miller of Jones	Stevens of
Beatty	Hicklin	Moore	Decatur
Bennett	Hill	Mullaney	Stevens of
Chrystal	Irwin	Pendray	Wapello
Coykendall	Kimberly	Reese	Topping
Doze	Knudson	Roelofs	Tripp
Fisch	McArthur	Schmidt	Valentine
Frailey			

Absent or not voting, 1.

Miller of
Buchanan

The substitution was lost.

Senator Patterson asked for a division of the report.

Senator Frailey raised the point of order that a committee report cannot be divided.

The President held that the point of order was well taken.

Roll call was demanded.

On the question, "Shall the report be adopted?" the vote was:

Ayes, 40.

Anderson	Fisch	Meyer	Shangle
Aschenbrenner	Frailey	Miller of	Stanley
Beatty	Geske	Buchanan	Stevens of
Bennett	Harrington	Miller of Jones	Decatur
Booth	Hicklin	Moore	Stevens of
Byers	Hill	Mullaney	Wapello
Carden	Husted	Nelson	Topping
Chrystal	Irwin	Pendray	Tripp
Coykendall	Kimberly	Reese	Valentine
Doze	Knudson	Roelofs	Wilson
Elthon	McArthur	Schmidt	

Nays, 5.

Hopkins	Patterson	Ritchie	Wenner
Hush			

Absent or not voting, 3.

Beardsley	Calhoun	Klemme
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The report was adopted.

Senator Shangle moved that a committee of two be appointed

to escort the newly elected Senators to the bar of the Senate to take their oath of office.

The motion prevailed and the President appointed Senators Patterson and Wenner.

The newly elected Senators were escorted to the bar of the Senate and took the required oath of office.

Senator Hopkins moved that the members of the Senate retain the seats occupied by them at the Regular Session of the Forty-fifth General Assembly and that the two newly-elected Senators be assigned to the seats occupied by their predecessors.

The motion prevailed.

Senator Booth asked unanimous consent that Senator Baldwin of Dubuque be allowed to sit in seat No. 32, on this legislative day, this seat having been occupied by his grandfather, Isaac W. Baldwin, in the Twenty-fifth General Assembly.

Senator Byers moved that the rules of the Forty-fifth General Assembly be adopted as the temporary rules of the special session, insofar as applicable, until the permanent rules are adopted.

The motion prevailed.

ELECTION OF PRESIDENT PRO TEMPORE

Senator Byers placed in nomination the name of Senator George A. Wilson of Polk County as a candidate for the office of President pro tempore of the Senate of the Forty-fifth General Assembly in extraordinary session.

Senator Stevens of Wapello placed in nomination the name of Senator Harold L. Irwin of Clinton County as a candidate for the office of President pro tempore of the Senate of the Forty-fifth General Assembly in extraordinary session.

Roll call was demanded.

Voting for Irwin, 24.

Anderson	Geske	Miller of Jones	Stevens of
Aschenbrenner	Harrington	Moore	Decatur
Baldwin	Irwin	Mullaney	Steven of
Chrystal	McArthur	Pendray	Wapello
Coykendall	Meyer	Reese	Tripp
Doze	Miller of	Schmidt	Valentine
Fisch	Buchanan	Shangle	

Voting for Wilson, 24.

Beardsley	Carden	Hush	Patterson
Beatty	Elthon	Husted	Ritchie
Bennett	Frailey	Kimberly	Stanley
Booth	Hicklin	Klemme	Topping
Byers	Hill	Leo	Wenner
Calhoun	Hopkins	Nelson	Wilson

Not voting, 2.

Knudson	Roelofs
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Rule 8 was invoked.

Senator Valentine raised the point of order that Rule 8 could be invoked only when the vote was on a measure, and the election of a President pro tempore could not be considered a measure.

The President refused to sustain the point of order.

Senator Patterson raised the point of order that the Senate should be governed, in the pending election, by section 38 of article III of the Constitution of Iowa, which provides that:

"In all elections by the General Assembly, the members thereof shall vote viva voce and the votes shall be entered in the journal."

Also that under the provision of section 10 of article III of the Constitution of Iowa:

"* * * the members of either house, on any question, shall, at the desire of any two members present, be entered on the journals."

The President sustained the point of order raised by Senator Patterson and ruled that Senators Knudson and Roelofs would be required to cast a vote for some member of the Senate for President pro tempore and that the result of the roll call would be entered in the Journal because of the provisions of section 38 of article III of the Constitution of Iowa.

Voting for Knudson—Roelofs.

Voting for Roelofs—Knudson.

The President announced that there was no plurality and called for another ballot.

Voting for Irwin, 24.

Anderson	Geske	Miller of Jones	Stevens of
Aschenbrenner	Harrington	Moore	Decatur
Baldwin	Irwin	Mullaney	Stevens of
Chrystal	McArthur	Pendray	Wapello
Coykendall	Meyer	Reese	Tripp
Doze	Miller of	Schmidt	Valentine
Fisch	Buchanan	Shangle	

Voting for Wilson, 24.

Beardsley	Carden	Hush	Patterson
Beatty	Elthon	Husted	Ritchie
Bennett	Frailey	Kimberly	Stanley
Booth	Hicklin	Klemme	Topping
Byers	Hill	Leo	Wenner
Calhoun	Hopkins	Nelson	Wilson

Voting for Roelofs, 1.

Knudson

Voting for Knudson, 1.

Roelofs

There being no plurality the President called for another ballot.

Senator Elthon moved to recess until 2:30 P. M. today.

The motion was lost.

The balloting on the election of a President pro tempore was resumed.

Voting for Irwin, 24.

Anderson	Geske	Miller of Jones	Stevens of
Aschenbrenner	Harrington	Moore	Decatur
Baldwin	Irwin	Mullaney	Stevens of
Chrystal	McArthur	Pendray	Wapello
Coykendall	Meyer	Reese	Tripp
Doze	Miller of	Schmidt	Valentine
Fisch	Buchanan	Shangle	

Voting for Wilson, 24.

Beardsley	Carden	Hush	Patterson
Beatty	Elthon	Husted	Ritchie
Bennett	Frailey	Kimberly	Stanley
Booth	Hicklin	Klemme	Topping
Byers	Hill	Leo	Wenner
Calhoun	Hopkins	Nelson	Wilson

Voting for Knudson, 1.

Roelofs

Voting for Roelofs, 1.

Knudson

There being no plurality the President called for another ballot.

Senator Hill moved that the Senate proceed with the order of business and postpone the election of a President pro tempore, as an election of President pro tempore was not at this time compulsory.

On motion of Senator Stevens of Wapello, the Senate recessed until 2:30 P. M. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

Roll was called under the call of the Senate to determine the presence of the members.

The call was declared complete.

Senator Hill's motion for postponement of election of President pro tempore was before the Senate.

Senator Shangle moved to amend the Hill motion by providing that, if after five more ballots no election is reached, the Senate proceed with the regular order of business.

The amendment was lost.

Roll call was demanded on Senator Hill's motion.

On the question, "Shall the motion to postpone prevail?" the vote was.

Ayes, 24.

Beardsley	Carden	Hush	Patterson
Beatty	Elthon	Husted	Ritchie
Bennett	Frailey	Kimberly	Stanley
Booth	Hicklin	Klemme	Topping
Byers	Hill	Leo	Wenner
Calhoun	Hopkins	Nelson	Wilson

Nays, 26.

Anderson	Harrington	Miller of Jones	Shangle
Aschenbrenner	Irwin	Moore	Stevens of
Baldwin	Knudson	Mullaney	Decatur
Chrystal	McArthur	Pendray	Stevens of
Coykendall	Meyer	Reese	Wapello
Doze	Miller of	Roelofs	Tripp
Fisch	Buchanan	Schmidt	Valentine
Geske			

Absent or not voting, none.

The motion was lost.

The President directed the roll to be called on election of President pro tempore.

Voting for Irwin, 24.

Anderson	Geske	Miller of Jones	Stevens of
Aschenbrenner	Harrington	Moore	Decatur
Baldwin	Irwin	Mullaney	Stevens of
Chrystal	McArthur	Pendray	Wapello
Coykendall	Meyer	Reese	Tripp
Doze	Miller of	Schmidt	Valentine
Fisch	Buchanan	Shangle	

Voting for Wilson, 24.

Beardsley	Carden	Hush	Patterson
Beatty	Elthon	Husted	Ritchie
Bennett	Frailey	Kimberly	Stanley
Booth	Hicklin	Klemme	Topping
Byers	Hill	Leo	Wenner
Calhoun	Hopkins	Nelson	Wilson

Voting for Knudson, 1.

Roelofs

Voting for Roelofs, 1.

Knudson

There being no plurality for any candidate the President directed the Secretary to again call the roll.

Voting for Irwin, 24.

Anderson	Geske	Miller of Jones	Stevens of
Aschenbrenner	Harrington	Moore	Decatur
Baldwin	Irwin	Mullaney	Stevens of
Chrystal	McArthur	Pendray	Wapello
Coykendall	Meyer	Reese	Tripp
Doze	Miller of	Schmidt	Valentine
Fisch	Buchanan	Shangle	

Voting for Wilson, 24.

Beardsley	Carden	Hush	Patterson
Beatty	Elthon	Husted	Ritchie
Bennett	Frailey	Kimberly	Stanley
Booth	Hicklin	Klemme	Topping
Byers	Hill	Leo	Wenner
Calhoun	Hopkins	Nelson	Wilson

Voting for Frailey, 1.

Knudson

Voting for Klemme, 1.

Roelofs

The President announced a tie and after casting his vote for Irwin, declared the Senator from Clinton duly elected President pro tempore.

Senator Irwin appeared before the President and took the oath of office.

PERMANENT ORGANIZATION

Senator Byers placed in nomination the following persons as the republican patronage committee's selection for permanent officers of the Senate:

Secretary—Byron G. Allen.

Assistant Secretary—Walter H. Beam.

Reading Clerk—Robert C. Phillips.

Engrossing Clerk—Miss Mabel Kenning.

Enrolling Clerk—Eleanor Taylor.
Assistant Enrolling Clerk—Eleanor Maben.
Journal Clerk—Catherine Hicklin.
Assistant Journal Clerk—Mary A. Reid.
Bill Clerk—Chas. A. Lindenau.
File Clerk—S. H. McClure.
General Clerk—Gladys Lewis.
Post Mistress—Mrs. Laura Hicks.
Sergeant-at-Arms—W. D. Wallace.
Assistant Sergeant-at-Arms—Harry Wilson.
Chief Doorkeeper—Redfield Mills.
Assistant Doorkeeper—James Hamilton.
Assistant Doorkeeper—John F. Baker.
Assistant Doorkeeper—Frank Shaffer.
Assistant Doorkeeper—George Hall.
Assistant Doorkeeper—H. J. Miller.
Telephone Messenger—Carl Aschan.
Telephone Operator—Katherine Ryan.
Janitor—H. Lewis.
Janitor—George S. Logan.
Washroom Janitor—Eddie Peters.
Matron—Mrs. Etta May Bland.

Senator Stevens of Wapello placed in nomination the following persons as the democratic patronage committee's selection for permanent officers of the Senate.

Secretary—Byron G. Allen.
Assistant Secretary—Walter H. Beam.
Reading Clerk—Robt. C. Phillips.
Engrossing Clerk—Sarah J. Conlin.
Enrolling Clerk—Eleanor Taylor.
Enrolling Clerk—Mary Reid.
General Clerk—Ray Sheehan.
Journal Clerk—Catherine Hicklin.
Journal Clerk—Myrtle Whitehill.
Bill Clerk—Marjorie Wilkinson.
File Clerk—Howard F. O'Brien.
Sergeant-at-Arms—W. C. Boyle.
Assistant Sergeant-at-Arms—L. B. Larson.
Chief Doorkeeper—Redfield C. Mills.
Postmistress—Mrs. Ella Millisack.
Assistant Doorkeeper—W. D. Wallace.
Assistant Doorkeeper—Geo. W. Hamilton.
Assistant Doorkeeper—B. J. Beck.
Assistant Doorkeeper—John F. Baker.
Assistant Doorkeeper—W. D. Clark.
Assistant Doorkeeper—Geo. Stewart.
Matron—Etta May Bland.
Cloak Room Janitor—Geo. Logan.

Washroom Janitor—E. Peters.

Janitor—E. W. Powell.

Messenger to Mail Carrier—Carl Aschan.

Enrolled Bills Clerk—Helen Uhl.

Telephone Messenger—Mary M. Ivory.

Senator Stevens of Wapello asked for a division of the question.

Senator Frailey moved that the following candidates be elected to the posts set opposite their respective names, being the names appearing on both party's patronage committee lists or on which there was no contest:

Byron G. Allen, Pocahontas county, secretary.

Walter H. Beam, Warren county, assistant secretary.

Robert C. Phillips, Polk county, reading clerk.

Catherine Hicklin, Louisa county, journal clerk.

Eleanor Taylor, Polk county, enrolling clerk.

Mary A. Reid, Des Moines county, assistant enrolling clerk.

W. C. Boyle, Cerro Gordo county, sergeant-at-arms.

Harry Wilson, Madison county, assistant sergeant-at-arms.

Redfield C. Mills, Dallas county, chief doorkeeper.

W. D. Wallace, Pocahontas county, assistant doorkeeper.

John F. Baker, Jasper county, assistant doorkeeper.

James Hamilton, Keokuk county, assistant doorkeeper.

Ray Sheehan, Lee county, general clerk.

Gladys Lewis, Polk county, assistant clerk.

Helen Uhl, Polk county, enrolled bills clerk.

Etta May Bland, Lee county, matron.

George Logan, Polk county, cloak room janitor.

Ernest Peters, Polk county, washroom janitor.

Carl Aschan, Polk county, messenger to mail carrier.

On the question, "Shall the motion prevail?" the vote was:

Ayes, 50.

Anderson	Fisch	Leo	Roelofs
Aschenbrenner	Frailey	McArthur	Schmidt
Baldwin	Geske	Meyer	Shangle
Beardsley	Harrington	Miller of	Stanley
Beatty	Hicklin	Buchanan	Stevens of
Bennett	Hill	Miller of Jones	Decatur
Booth	Hopkins	Moore	Stevens of
Byers	Hush	Mullaney	Wapello
Calhoun	Husted	Nelson	Topping
Carden	Irwin	Patterson	Tripp
Chrystal	Kimberly	Pendray	Valentine
Coykendall	Klemme	Reese	Wenner
Doze	Knudson	Ritchie	Wilson
Elthon			

Nays, none.

Absent or not voting, none.

The above officers were duly elected.

Senator Stevens of Wapello moved that the remaining candidates for office in which there were contests be voted upon by the marking of a signed ballot.

The motion prevailed.

Senator Wilson moved that, should the tellers find a tie vote on any office or position of employment, the matter of such election be postponed until the next legislative day.

The motion prevailed.

The President appointed as tellers on the election Senators Chrystal, Beardsley and Stevens of Decatur.

The tellers found the vote to be as follows:

DEMOCRATIC	OFFICE	REPUBLICAN
Sarah Conlin.....31	Engrossing Clerk	Mable Kenning.....19
Myrtle Whitehill.....25	Ass't Journal Clerk	Eleanor Maben.....25
Marjorie Wilkinson.....28	Bill Clerk	Charles Lindenau.....22
H. F. O'Brien.....29	File Clerk	S. H. McClure.....21
Mrs. Ella Millisak.....28	Postmistress	Mrs. Laura Hicks.....22
Geo. W. Hamilton.....32	Assistant Doorkeeper	Frank Schaffer.....18
B. J. Beck.....28	Assistant Doorkeeper	Geo. Hall.....22
W. D. Clark.....27	Assistant Doorkeeper	H. J. Miller.....22
Geo. Stewart.....28	Janitor	H. Lewis.....21
E. W. Powell.....27	Assistant Janitor	W. T. Jones.....23
Mary M. Ivory.....27	Telephone Messenger	Katherine Ryan.....22

The following duly elected officers and employees appeared before the bar of the Senate and were duly sworn:

Byron G. Allen—Secretary.
 Walter H. Beam—Assistant Secretary.
 Robert C. Phillips—Reading Clerk.
 Catherine Hicklin—Journal Clerk.
 Sara J. Conlin—Engrossing Clerk.
 Eleanor Taylor—Enrolling Clerk.
 Helen Uhl—Enrolled Bills Clerk.
 Ray R. Sheehan—General Clerk.
 Gladys Lewis—Assistant General Clerk.
 W. C. Boyle—Sergeant-at-Arms.
 Harry Wilson—Assistant Sergeant-at-Arms.
 Redfield C. Mills—Chief Doorkeeper.
 James Hamilton—Assistant Doorkeeper.
 W. D. Wallace—Assistant Doorkeeper.
 John F. Baker—Assistant Doorkeeper.
 B. J. Beck—Assistant Doorkeeper.
 W. D. Clark—Assistant Doorkeeper.
 Geo. W. Hamilton—Assistant Doorkeeper.
 Marjorie Wilkinson—Bill Clerk.
 Howard F. O'Brien—File Clerk.
 Etta Mae Bland—Matron.

Carl Aschan—Messenger to the Mail Carrier.

Mary M. Ivory—Telephone Messenger.

Geo. S. Logan—Cloak Room Janitor.

George Stewart—Cloak Room Janitor.

Ernest Peters—Janitor.

Senator Hicklin moved that the call of the Senate be raised.

The motion prevailed.

Senator Wenner moved that when the Senate adjourned it be to reconvene at 10 o'clock tomorrow morning, November 8th.

The motion prevailed.

COMMITTEE TO NOTIFY GOVERNOR

Senator Geske moved that a committee of three be appointed to notify the Governor that the Senate is now organized and ready to receive any communications he may desire to submit.

The motion prevailed and the President named Senators Geske, Coykendall and Husted as the committee to call upon the Governor.

COMMITTEE TO NOTIFY HOUSE

Senator Pendray moved that a committee of three be appointed to notify the House of Representatives that the Senate is organized and ready to receive any communications it may desire to transmit.

The motion prevailed and the President named Senators Pendray, Baldwin and Leo as the committee to notify the House that the Senate is organized and ready for business.

COMMITTEE ON CHAPLAINS

Senator Carden moved that a committee of one be named to provide chaplains to open the Senate with prayer during the extraordinary session of the Forty-fifth General Assembly.

The motion prevailed and Senator Carden was named to serve as the committee of one.

COMMITTEE ON MILEAGE

Senator Harrington moved that a committee of three be appointed to determine the amount of mileage due each member of the Senate and the presiding officer.

The motion prevailed and the President appointed Senators Harrington, McArthur and Wilson to serve as members of the committee on mileage.

COMMITTEE TO ASSIGN ROOMS

Senator Wenner moved that a committee of three be appointed to assign committee rooms to the various standing committees of the Senate as soon as such committees have been designated.

The motion prevailed and Senators Wenner, Shangle and Stevens of Wapello were named as the members of the committee.

BADGES FOR OFFICERS AND EMPLOYEES

Senator Beatty moved that the Secretary be authorized to secure suitable badges for such officers and employees as may require them.

The motion prevailed.

EMPLOYMENT OF CLERKS

Senator Hill moved that each Senator, the Lieutenant Governor and the Secretary of the Senate be authorized to appoint a clerk, who shall be a competent stenographer. Said selection to be made and announced from the floor of the Senate not later than Thursday, November 9th. Also, that each clerk shall be sworn in when found proficient by a committee of three to be named by the President of the Senate.

The motion prevailed.

The President named Senators Hill, Moore and Reese to serve on the committee on committee clerks.

SEATS IN PRESS GALLERY

Senator Baldwin moved that the Secretary be authorized to assign seats in the press gallery to representatives of the press.

The motion prevailed.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that

the House has adopted the following Concurrent Resolution in which the concurrence of the Senate is asked:

HOUSE CONCURRENT RESOLUTION NO. 1

Be It Resolved by the House, the Senate Concurring, That a joint convention of the two houses be held Tuesday, November 7th, at 10:00 a. m. and that the Governor be invited to deliver his message to the General Assembly at that time.

Be It Further Resolved, That the Lieutenant Governor and the Speaker of the House extend this invitation to the Governor.

VIRGIL LEKIN, *Chief Clerk.*

Senator Wilson asked and obtained unanimous consent to suspend the rules and consider House Concurrent Resolution No. 1 on this legislative day.

Senator Wilson moved to strike the words "Tuesday, November 7th, at 10:00 a. m." and insert in lieu thereof the words "Wednesday, November 8, at 11:00 a. m.".

The motion prevailed and the amendment was adopted.

Senator Ritchie asked and obtained unanimous consent to suspend the rules to permit the introduction, reading and consideration of the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 1

Be It Resolved by the Senate, the House Concurring, That the President of the Senate be authorized to name a committee of three to work in conjunction with three members of the House, to be named by the Speaker, to draft a joint resolution setting forth the pay scale and authorizing the payment of salaries to the officers and employees of the General Assembly.

Senator Ritchie moved the adoption of the resolution.

The motion prevailed and Senate Concurrent Resolution No. 1 was adopted.

RENTAL OF TYPEWRITERS

Senator Knudson moved that a committee of three be named to enter into a rental contract on behalf of the Senate for typewriters and other equipment during the period of the extraordinary session.

The motion prevailed and the President named Senators Knudson, Doze and Calhoun to serve on said committee.

PROPOSED TEMPORARY RULE

The following proposed temporary rule was filed with the Secretary:

RULE 51. No bill shall be considered or acted upon by the Senate at this Special Session, except bills relating to those subjects upon which the Governor in his message delivered to the General Assembly on November 8, 1933, has requested or recommended action. **CLAUDE STANLEY.**

PROPOSED RULE

The following proposed rule was filed with the Secretary by Senator Stanley with the request that it be referred to the Rules Committee when appointed:

RULE 51. No bill shall be considered or acted upon by the Senate at this Special Session, except bills relating to those subjects upon which the Governor in his message delivered to the General Assembly on November 8, 1933, has requested or recommended action. **CLAUDE STANLEY.**

PROTEST FILED UNDER CONSTITUTIONAL PROVISION

The following protest was filed with the Secretary in accordance with the senatorial right granted under section 10 of Article III of the Constitution of Iowa:

MR. PRESIDENT: We, the undersigned members of the Senate, hereby object, protest and except to the vote cast by the Lieutenant Governor on this date for the election of Senator Irwin as President pro tempore, for the reason that the Lieutenant Governor is not a member of the Senate and under the provisions of the Constitution of Iowa the Lieutenant Governor had no right to cast a vote for President pro tempore and that his said vote is illegal and contrary to the provisions of the Constitution of Iowa:—

FRANK C. BYERS
O. P. BENNETT
JOHN N. CALHOUN
WM. CARDEN
EDW. J. WENNER
CLAUDE STANLEY
LAFE HILL
ORA E. HUSTED
W. R. RITCHIE
C. H. TOPPING
F. M. BEATTY

HOMER HUSH
J. R. FRAILEY
G. W. PATTERSON
WM. S. BEARDSLEY
GEO. M. HOPKINS
WM. H. KLEMME
FRED W. NELSON
LEO ELTHON
RICHARD V. LEO
E. R. HICKLIN

EXPLANATION OF VOTE

In casting the deciding vote in the election of President pro tem on the sixth ballot, a word of explanation is in order. Each of the five preceding ballots were the same, twenty-four each for the two leading candidates

and one each for two others. It was my desire for the members of the Senate to select their President pro tem without the use of the Chair's prerogative to vote when the Senate is equally divided. There is no doubt in my mind about my authority to cast the deciding ballot in any of the six roll calls taken in the election of President pro tem today. I delayed exercising this authority in hopes of an agreement being reached without it. The business of this extra session is entirely too important to delay longer in the organization of this body. The loss of time and expense involved cannot be justified, therefore, I trust that my reluctant exercise of this authority will be accepted as intended, namely that of putting an end to a useless and costly deadlock.

N. G. KRASCHEL

President of the Senate.

Senator Stevens of Decatur moved that the Senate do now adjourn.

The motion prevailed and the Senate stood adjourned until 10:00 o'clock, Wednesday, November 8th.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, NOVEMBER 8, 1933.

The Senate met pursuant to adjournment, President N. G. Kraschel presiding.

Prayer was offered by Dr. E. G. Williams, pastor of Westminster Presbyterian Church of Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Patterson for the day, on request of Senator Ritchie; Senator McArthur for the day, on request of Senator Harrington; Senator Frailey for the day, on request of Senator Valentine.

REPORT OF COMMITTEE TO NOTIFY HOUSE

Senator Pendray reported that the committee assigned to notify the House that the Senate was organized and ready for business, had performed its duty.

The report was received and the committee discharged.

REPORT OF COMMITTEE TO NOTIFY GOVERNOR

Senator Geske reported that the committee assigned to notify the Governor that the Senate was organized and ready for business, had performed its duty and the Governor informed accordingly.

The report was received and the committee discharged.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted House Concurrent Resolution No. 2, in which the concurrence of the Senate is asked.

Also: That the House has concurred in Senate amendment to House Concurrent Resolution No. 1 relating to the holding of a Joint Convention to hear the Governor's message.

Also: That the House has adopted Senate Concurrent Resolution No. 1, authorizing appointment of Joint Committee to determine compensa-

tion for officers and employees for the General Assembly, and the Speaker appointed as such committee Representatives Fabritz of Wapello, Moore of Benton and Peaco of Clinton.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE CONCURRENT RESOLUTION NO. 2

Be It Resolved by the House, the Senate concurring, That a joint committee of six members be appointed, three from the Senate to be appointed by the President, and three from the House to be appointed by the Speaker, to nominate such additional employees other than committee clerks as may be necessary for the work of this session and that the committee recommend the position to be filled.

By unanimous consent, on request of Senator Kimberly, the rules were suspended and the resolution was taken up and considered.

The resolution was adopted.

Senator Coykendall moved that Eleanor Maben and Myrtle Whitehill, tied for the position of assistant journal clerk, both be selected as assistant journal clerks.

The motion prevailed.

The above officers appeared before the bar of the Senate and took the required oath of office.

Senator Wilson moved that when the Senate reconvenes after the joint session with the House to hear the Governor's message that the Senate adjourn until 10:00 a. m. tomorrow.

The motion prevailed.

COMMITTEE ON EXTRA HELP AND COMPENSATION

The President appointed as committee on extra help and as committee fixing compensation, Senators Kimberly, Ritchie and Harrington, under the provisions of Senate concurrent resolution No. 1 and House concurrent resolution No. 2.

COMMITTEE ON RULES

The President appointed as committee on rules, Senators Irwin, chairman, Byers, Hicklin, Kimberly, Ritchie, Shangle, Stevens of Wapello, Tripp.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was now ready to receive the Senate in joint convention.

The Senate proceeded to the House under the direction of the sergeant-at-arms.

JOINT CONVENTION

In accordance with concurrent resolution duly adopted the Joint Convention was called to order, President Kraschel presiding.

President Kraschel announced the presence of a quorum.

Malone of Cass moved that a committee of two, consisting of one member from the Senate and one member from the House, be appointed to notify the Governor that the Convention was ready to receive him. Motion prevailed and the President appointed Senator Booth of Shelby on the part of the Senate and Representative Malone of Cass on the part of the House.

The committee waited upon the Governor and escorted him to the speaker's station.

President Kraschel then presented Governor Clyde L. Herring who delivered the following message:

GOVERNOR'S MESSAGE

Mr. President, Mr. Speaker, Members of the Forty-fifth General Assembly and Fellow Citizens:

Pursuant to authority conferred upon me by the constitution, and because it appears advisable and necessary, you have been convened in extraordinary session. I desire to point out briefly, the reasons for such special session.

In the regular session, early in the year, it was conceded by all, that some form of tax revision was necessary. At my request, however, the General Assembly postponed consideration of such legislation pending a study of the entire taxation system in the light of present conditions.

I pledged at that time that I would, immediately upon conclusion of such survey by an Interim Tax Committee composed of members of this General Assembly, call the Legislature in extraordinary session to consider the report of this committee, and such other emergency legislation as conditions might indicate.

In addition to tax revision, there now are several other pressing matters which demand early and definite action.

Very substantial reductions in taxation have been effected due to the action of this General Assembly at its regular session, and there have been large reductions in the expenditures of the various departments of government due to careful administration.

The tax burden in 1930 was in excess of \$110,000,000. In 1931 there was a reduction of approximately ten millions of dollars, and in 1932 a further reduction of approximately nine millions of dollars.

The estimates of the Board of Assessment and Review indicate that under assessments made this year, to be collected next year, there will be a further reduction of about fifteen millions, bringing the property tax payable in 1934 down to approximately seventy-five millions of dollars.

Inasmuch as approximately thirty million dollars per annum is needed to meet the annual maturities of bonds and interest payments, and relying upon the estimates made by the Board of Assessment and Review that state government in its present form cannot be conducted for much less than forty millions of dollars per annum, it appears we are rapidly approaching a point below which, until we have effected some re-organization of state and local government, we may not go without serious curtailment of necessary governmental services. Therefore, we must look to tax revision for further relief.

Despite these decreases in the amount of our total tax burden on property, there is a persistent and well justified demand that new sources of revenue be provided.

I well know that the members of this legislature and the people of Iowa do not desire to tap new sources of revenue merely to provide additional moneys to be spent. They desire a reduction of the burden on property, and our consideration of the tax revision must carry with it constantly the thought and purpose that tax revision that does not afford tax relief to property is in effect no relief.

A special tax committee of the Senate, created in the last session, together with a special committee from the House, appointed by the Speaker, composed of five members each, has been engaged for several months past in cooperation with the Interim Committee in a study of tax revision.

In August, these fourteen members of the General Assembly, and the one member designated by the Governor, received the report of the survey made for this committee by the Brookings Institution. I have observed the work of this joint committee of fifteen members and I take this occasion to commend them for the work that they have done at a great sacrifice of time and energy, and with no compensation except the satisfaction of public service well done.

The report of these committees to the special session proposes

genuine property relief measures—measures intended to provide new sources of revenue to relieve property insofar as the yield of new revenues will permit. There will also be submitted a measure for budget control and review of levies designed to make the new taxes, insofar as possible, a shifting of the burden from property—a replacement in fact.

In the last twenty years tax revision has been repeatedly before the Legislature. The measures have been defeated for various reasons and I am hopeful that in this present emergency, we will enact into law definite measures that will relieve the burden on property, so safeguarded as to prevent, insofar as may be, a consequent increase in the total tax bill.

During the regular session of the Forty-fifth General Assembly certain remedial and corrective legislation was passed due to the economic conditions and emergencies that had arisen affecting our state banks. Since the adjournment of the regular session, the National Congress passed what is known as the Banking Act of 1933, which provides for the establishment of a Federal Deposit Insurance Corporation. Before a bank can become a member of the Insurance Corporation it must comply with certain standards set up and required by the Corporation. As an aid to banks, so that they may qualify to become members of the Insurance Corporation, the Reconstruction Finance Corporation has initiated a program to assist banks to prepare themselves for qualifications to become members of the Insurance Corporation by taking preferred stock or issuance of capital debenture notes. The Reconstruction Finance Corporation will not, however, take preferred stock which is subject to double liability. The Banking Act of 1933 also provides that the double liability imposed upon shareholders of National Banking Associations shall not apply to respective shares in any such National Association issued after the date of the enactment of the Act, which was June sixteenth, 1933. Under our present law this gives National Banks an advantage over state banks. The insuring of deposits in banks becomes effective January 1, 1934. Therefore, new legislation that is proper and necessary must be passed without delay.

Since the adjournment of your regular session, a sufficient number of the states of the Union have voted favorably upon the repeal of the Eighteenth Amendment to the Constitution of the United States. It is probable that during the period of your session enough states will have ratified the Twenty-first Amendment to the Constitution to cause it to become operative. For that reason it

becomes imperative for us to consider the form of legislation to be adopted to control the sale of intoxicating liquor in the state of Iowa.

In the selection of delegates to the Constitutional Convention held last June, the people of Iowa recorded their sentiment for repeal of the Eighteenth Amendment. In my address to the Constitutional Convention in July, I stated that I considered the result of the June election an expression by the people of Iowa for temperance as opposed to prohibition. I further stated that I believed the people of Iowa, through their Legislature would in the event of repeal, adopt practical laws, which would represent the will of our people, and also promote the cause of temperance.

When I observed the rapidity and unanimity with which the various states voted for repeal, I considered it appropriate to appoint a committee of citizens of the state, to serve without compensation, to make a study of the various methods of liquor control, in order that when you assembled in this session you might have the benefit of such facts and recommendations as they saw fit to submit. We have been fortunate in having on that committee some of the best citizens of our state. They have given generously of their time and have submitted to me a report which I shall transmit to your Honorable Body for such aid as it may be to you in the enactment of necessary legislation.

Many of us have held views on the question of the sale of intoxicating liquors which the experiences under the operation of the Eighteenth Amendment have caused us to change. The opinions of some have not yet changed. However, upon the repeal of the Eighteenth Amendment, we will be confronted with a practical problem and it must be dealt with in a practical way.

I ask that after most careful consideration of the facts and recommendations contained in this report, there be enacted into law a measure which will provide adequate control of the sale of intoxicating liquors and at the same time promote the cause of temperance.

In your regular session, you enacted House Files 350 and 193, relating respectively to the extension of the redemption period and emergency delay of foreclosures.

Since these acts became effective my attention has been called to many instances in which mortgagors without funds to employ counsel, or those uninformed as to the provisions of the law, have not interposed the demand which would bring to them the benefits of these acts.

It is suggested, therefore, that your body consider the advisability of so amending the moratorium provision so that the moratorium will automatically apply unless the mortgagor shall voluntarily waive the provisions with reference thereto.

Since last January, the state has had the benefit of contributions by the Federal Government for the relief of destitute persons. Approximately three and one-half millions of dollars have been paid to me by the Federal Government for distribution, under my direction, as need arose. Many of our counties have almost reached the limit of their ability to meet these federal aid allotments or to fund payments for relief of the destitute. The committee which has administered the federal funds in Iowa has acted without compensation and has performed the work in a manner for which all the people of this state should be grateful. This committee now reports to me that after January first, federal funds will be no longer available unless the state provides an amount on the basis of at least two dollars for each one dollar the Federal Government contributes. Until the 46th General Assembly convenes in 1935, it is important that provision be made to permit the state to divert from its general fund such an amount as may be necessary to obtain federal aid.

The provisions which you will make for the use of state funds should include a grant of power to the Governor to handle these funds in the manner in which the federal funds have been handled for the past year. In this connection it is desirable that in the enactment of the legislation providing for new revenues you make provision for the diversion to relief of such an amount as may be necessary to accomplish the purposes I have suggested.

I should like to make a brief report to you of the condition of the state.

Since the dark days of last March, there has been a substantial improvement in Iowa and throughout the Nation.

Prices of our farm products, while still in no wise adequate, are substantially higher than the prices of last winter. Many people have been returned to work. The measure of improvement has not been as rapid as our citizens have hoped, yet we are encouraged by the progress that has been made.

In the light of unchanged world conditions, improvement in our state and within the Nation must, of necessity, result largely from national cooperation and a willingness to work together for the common good. We must take care lest, in our desire to proceed too rapidly toward recovery, we build unsoundly with the conse-

quent result that improvement will be temporary and the subsequent condition worse than the first.

In your consideration of the problems of this session you should be advised as to the state of our finances.

On January 1, 1933, the cash balance in the general fund of the state was \$1,306,150.22 against which, as a liability, there were outstanding warrants of \$300,000. On November first, 1933, the cash balance was \$1,409,703.89 with an outstanding warrant account of \$3,369,810.68, of which \$2,959,396.52 are warrants stamped "Not Paid for Want of Funds," and bearing interest at 5%. This condition is due to a general falling off of receipts from all sources. For the past several years, receipts to the General Fund have been from seventeen to eighteen millions of dollars annually. In the last year, 1932, these receipts were \$18,227,000, whereas for 1933 the receipts are but \$12,601,000. This shows a reduction of income in excess of five millions of dollars. During this same period expenditures have been reduced in excess of two millions of dollars.

You should be advised that during the first quarter of this fiscal year, under the Comptroller Act, as contrasted with the first quarter of the last fiscal year, administration expenses were reduced from \$1,083,000 to \$788,000, a saving of approximately \$300,000 in administration costs. Also the Board of Education and the Board of Control Institutions, for this same period, show a total of \$2,720,000 for the first quarter of last year as compared with \$1,930,000 for the similar period this year, or a saving of approximately \$800,000. This makes a total of approximately \$1,100,000 less in expenditures the first quarter under the Comptroller Act, as compared to the same quarter of last year.

By reducing these expenditures we have faced about and are now living within our income, whereas, expenditures of the past have been as much as \$3,000,000 in excess of revenue.

With the application of economies instituted by the General Assembly by the administrative officials and the various purchasing bodies, we have for the first quarter under the Comptroller Act, receipts totaling \$2,923,000 or \$104,000 more than expenditures for the same period.

It had been hoped that your Interim Committee might be able to carry its investigation to a point that would have permitted them to recommend to us measures for governmental reorganization. They have reported, however, that the question of tax revision, upon which they have been engaged, together with the

Special Senate Committee and the Members of the House, has so largely occupied their time as to prevent submission of a report as to state government based upon the careful study, which the importance of the subject necessarily required. They have expressed a desire to submit, if possible, some proposals to this special session. However, you are already confronted with proposals which will challenge your full time and attention to the exclusion of those less pressing.

I issued a call for this special session confident that you would recognize the necessity for the legislative action suggested and confident that you would limit the duration of the session, thus reducing the cost to the minimum.

There can be no greater assurance of a successful session than that you proceed as in the forty-fifth Regular Session, with that fine spirit of harmony and cooperation which resulted in one of the most constructive legislative records in the history of the state.

In these trying days the people have the right to expect, yes, to demand of you as their legislators, and of me as their Chief Executive, that we shall look primarily and solely to their interests without thought of partisan or personal advantage. This we can do, and with the aid of providence we will do, to fulfill our obligation and discharge our responsibility to the people of Iowa.

Senator Anderson moved that the Joint Convention now arise.

Motion prevailed.

The Senate returned to the Senate chamber and resumed regular session.

On motion of Senator Wilson the Senate adjourned, the time previously having been fixed to reconvene at 10:00 a. m., Thursday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, NOVEMBER 9, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. S. A. Fulton, pastor of First Presbyterian Church of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and passed on file:

Favoring the gross income tax. Senator Harrington from citizens of Burlington, Iowa. Senator Wenner from Board of Supervisors of Black Hawk County.

Approving old age pension law, Senator Valentine from citizens of Centerville, Cincinnati, Moulton, Mystic, Numa and Sedan, Iowa.

Opposing the proposed amendment to Beatty-Bennett bill. Senator Tripp from Board of Supervisors of Jasper County. Senator Wenner from Parent-Teachers Council of Waterloo.

Favoring prohibition of sale of prison made goods. Senator Wenner from Waterloo Central Labor Union.

Opposing the tax on fraternal insurance companies. Senator Wenner from Reinbeck citizens.

Favoring modification of Beatty-Bennett law, control of liquor traffic, ratifying child labor law amendment and equalization of tax burden. Senator Wilson from Des Moines Council of Parent-Teacher Association.

INTRODUCTION OF BILLS

Senate Joint Resolution No. 1, by Senators Pendray and Hopkins, a joint resolution ratifying a proposed amendment to the constitution of the United States of America, relative to the labor of persons under eighteen (18) years of age.

Whereas, both houses of the sixty-eighth Congress of the United States of America, by a constitutional majority of two-thirds thereof, made the following proposition to amend the constitution of the United States of America, to-wit:

“JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following articles is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

“ARTICLE.....

“Section 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen years of age.

“Sec. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.”

Now, therefore,

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

Section 1. That the said proposed amendment to the constitution of the United States of America as set forth herein be and the same is hereby ratified and consented to by the state of Iowa and by the General Assembly thereof.

Sec. 2. Be it further resolved and enacted, that copies of this enactment and resolution, certified by the secretary of state, be forwarded by the governor of this state to the secretary of State of the United States at Washington, D. C., and to the presiding officer of each house of the Congress of the United States.

Read first and second times and passed on file.

Senate File No. 1, by Senators Chrystal, Geske, Kimberly, Knudson, Roeloffs and Valentine, a bill for an act to equalize taxation and replace in part the tax on property; to provide the public revenue to be used for such replacement by imposing a personal net income tax, a business tax on corporations, and a tax on the gross receipts from retail sales as defined herein; to provide for the collection of such taxes, the distribution and use of the revenue derived therefrom, and the administration of said law; to fix fines and penalties for the violation of the provisions of this act; and to repeal all laws or parts of laws in conflict herewith.

Read first and second times and passed on file.

Senate File No. 2, by Senators Bennett and Valentine, a bill for an act to Revise and Modernize the Corporation Laws of this State

relating to Certain Foreign Corporations, to Provide for the Registration, Regulation, Licensing, Cancellation and Withdrawal of, and Service of Process on Certain Foreign Corporations, to Prescribe Penalties for the Violation of Certain Sections hereof, to Extend the Provisions of this Act to Certain Foreign Corporations Licensed to do Business in this State, to Provide for a Franchise Tax and the Payment of Certain Fees, Charges and Penalties, to Require Certain Reports to be filed and to Repeal Chapter Three Hundred Eighty-six (386) of the Code, 1931, Relating to Permits to Foreign Corporations, and Chapter Three Hundred Eighty-seven (387) of the Code, 1931, Relating to Foreign Public Utility Corporations.

Read first and second times and passed on file.

Senate File No. 3, by Senators Bennett, Nelson and Valentine, a bill for an act to revise and modernize the laws of this state relating to certain co-operative corporations with or without capital stock; to provide for the Incorporation, Regulation and Dissolution of such corporations; to define certain Terms used in this act; to enumerate the Powers and Purposes of such corporations; to prescribe the Rights, Privileges and Obligations of membership therein; to provide for the Marketing Contracts and Remedies for Breach of said contracts; to provide for By-Laws and what they shall contain; to extend the Provisions of this Act to certain corporations; to require certain Reports to be filed; to provide for certain Fees and Penalties to be paid the Secretary of State; to repeal Chapter 389 of the Code, 1931, relating to Co-operative Associations with Capital Stock; to repeal Chapter 390 of the Code, 1931 relating to Non Profit Sharing Co-operative Associations; and to repeal Chapter 391 of the Code, 1931 relating to Collective Bargaining.

Read first and second times and passed on file.

Senate File No. 4, by Senators Bennett and Valentine, a bill for an act to revise and modernize the laws of this state relating to certain corporations not for profit; to provide for the incorporation, regulation, consolidation and dissolution of certain non-profit corporations; to extend the provisions of this act to certain non-profit corporations existing under the laws of this state; to define the powers of certain non-profit corporations; to define the words, phrases and terms used in this act; to prescribe penalties for the

violation of this act; to provide for certain fees and penalties to be paid the secretary of state; to require certain reports to be filed; and to repeal Chapter 394 of the Code, 1931, relating to Corporations not for Pecuniary Profit, domestic and foreign.

Read first and second times and passed on file.

Senate File No. 5, by Senators Bennett and Valentine, a bill for an act to amend Chapter three hundred ninety-two (392) Code of Iowa, 1931 relating to the sale of stock on installment plan.

Read first and second times and passed on file.

Senate File No. 6, by Senators Bennett and Valentine, a bill for an act to revise and modernize the laws of this state relating to certain corporations for profit; to provide for the incorporation, regulation, renewal, merger, consolidation and dissolution of certain corporations for profit; to extend the provisions of this act to certain corporations for profit existing under the laws of this state; to define the powers of certain corporations for profit; to define the words, phrases and terms used in this act; to prescribe penalties for the violations of this act; to provide for a franchise tax; to provide for certain fees and penalties to be paid the secretary of state; to require certain reports to be filed; and to repeal Chapter 384 of the Code, 1931 relating to Corporations for Pecuniary Profit; to repeal Chapter 385 of the Code, 1931 relating to Capital Stock of Corporations for Pecuniary Profit; to repeal Chapter 385-c1 of the Code, 1931 relating to Non Par Value Stock of Corporations for Pecuniary Profit; and to repeal Chapter 388 of the Code, 1931 relating to Annual Reports of Corporations.

Read first and second times and passed on file.

Senate File No. 7, by Senator Reese, a bill for an act to provide against discrimination or monopoly in the sale of replacement and repair parts of machines and mechanical devices, and for the regulation of the distribution and sale of same, and providing penalties for the violation of this act.

Read first and second times and passed on file.

Senate File No. 8, by Senator Reese, a bill for an act to legalize the corporate acts and proceedings of the Marshalltown Manufacturing Company of Marshalltown, Iowa and to provide for the

renewal and extension of the period of corporate existence and the adoption of renewal, amended and substituted existence.

Read first and second times and passed on file.

Senate File No. 9, by Senator Shangle, a bill for an act to amend Chapter 333 of the Code, 1931, relating to taxation of shares of the Capitol Stock of Banks.

Read first and second times and passed on file.

Senate File No. 10, by Senator Shangle, a bill for an act to amend section fifty one hundred twenty-six (5126) of the Code, 1931, relating to compensation of County Supervisors.

Read first and second times and passed on file.

Senate File No. 11, by Senator Shangle, a bill for an act to amend section eleven thousand seven hundred thirty-two (11,732) of the Code, 1931, relating to sale of land under execution.

Read first and second times and passed on file.

Senate File No. 12, by Senator Shangle, a bill for an act to amend section eleven thousand seven hundred seventy-four (11774) of the Code, 1931, relating to redemption by debtor of real property from Execution Sale.

Read first and second times and passed on file.

REPORT OF COMMITTEE ON EXTRA HELP

MR. PRESIDENT: The committee on extra help begs leave to make the following report and moves its adoption:

Assistant Law Research—Loretta Vrooman.

Assistant Research—Charles Lindenau.

Stenographer and Typist for Library—Winifred McGuire.

Page to Librarian and his office—Hillis Carlton.

Stenographer for Economics and Sociology Division of Library—Marion Wood.

Legislative Assistant in Economics and Sociology Department of Library—Chester M. Larson.

Assistant Matron—Gertrude North.

Elevator Tender—Rice Shaffer.

Elevator Tender—Bert Stumme.

Post Office Messenger—J. S. Dolan.

Janitor—Frank Shaffer.

Janitor—J. W. Christina.

Janitor—Alvin J. Crail.

Janitor—Fred Ballard.
 Janitor—E. Aulman.
 Janitor—Joe Chochalka.
 Janitor—Wm. Sulser, Jr.
 Janitor, Herschel Hubbard.

D. W. KIMBERLY
 W. R. RITCHIE
 VINCENT F. HARRINGTON
 On the Part of the Senate.
 WM. KOCH
 J. P. GALLAGHER
 ED. RAWLINGS
 On the Part of the House.

By unanimous consent, on request of Senator Kimberly, the rules were suspended and the report was taken up and considered.

The report was adopted.

The above named employees and officers presented themselves at the bar of the Senate where they took their required oaths of office.

EXTRA COPIES SENATE FILES 2, 3, 4 AND 6 ORDERED PRINTED

By request of Senator Valentine, unanimous consent was granted to have 600 additional copies printed of Senate Files 2, 3, 4 and 6.

REPORT OF COMMITTEE ON CLERKS

MR. PRESIDENT: Your committee appointed to determine the standing and qualifications of the candidates for committee clerks begs leave to report that it has made investigations and examinations and finds the following persons competent for the positions to which they have been appointed. Assignments have been made as follows:

SENATE COMMITTEE CLERKS FOR EXTRA SESSION

Senator Anderson—Katherine O'Connor.
 Senator Aschenbrenner—Yvonne Aschenbrenner.
 Senator Baldwin—Martie Giles.
 Senator Beardsley—Elsie Huckleberry.
 Senator Beatty—Annie Laurie Wyllie.
 Senator Bennett—Mary Lamb.
 Senator Booth—Grace E. Christensen.
 Senator Byers—Helen Dennery.
 Senator Calhoun—Edith L. Kennedy.
 Senator Carden—Thelma Carden.
 Senator Chrystal—Virginia Carpenter.

Senator Coykendall—Clarence Coykendall.
 Senator Doze—Cleo Thatcher.
 Senator Elthon—Katherine Hanson.
 Senator Fisch—Emma C. Malm.
 Senator Frailey—Jennie Wickless.
 Senator Geske—Hertha Z. Duncan.
 Senator Harrington—Adeline O'Boyle.
 Senator Hicklin—Lea Campbell.
 Senator Hill—Margaret Rader.
 Senator Hopkins—Lois Maulsby.
 Senator Hush—Robert Hite.
 Senator Husted—Cleona Neidt.
 Senator Irwin—Neva Ball.
 Senator Kimberly—Madeleine Burrows.
 Senator Klemme—Grace Lane.
 Senator Knudson—Arlene Wolfe.
 Senator Leo—Sadie M. Lowry.
 Senator McArthur—Genevieve Smith.
 Senator Meyer—Paul Meyer.
 Senator Miller of Buchanan—Dorothy Ryan.
 Senator Miller of Jones—Dorothy Headlee.
 Senator Moore—Walter Meier.
 Senator Mullaney—Dorothy Sweeney.
 Senator Nelson—Vivian Cessna.
 Senator Patterson—Lola Lowry.
 Senator Pendray—Frances Crawford.
 Senator Reese—Madelynn Cashman.
 Senator Ritchie—Mabel Kenning.
 Senator Roelofs—Ruth Harper.
 Senator Schmidt—Margaret Mathis.
 Senator Shangle—Maude Robertson.
 Senator Stanley—Hazel Boswell.
 Senator Stevens of Decatur—Martha Nicholson.
 Senator Stevens of Wapello—Margaret Brady.
 Senator Topping—Dayle Grandey.
 Senator Tripp—Lucille Philips.
 Senator Valentine—Jack Tincher.
 Senator Wenner—Della Harper.
 Senator Wilson—Mary Ward.
 Secretary of Senate—Mary Bales.

LAFE HILL, *Chairman*

M. MOORE

CHRIS REESE.

By unanimous consent, on request of Senator Hill, the rules were suspended and the report was taken up and considered.

The report was adopted.

The above named committee clerks presented themselves at the bar of the Senate where they took their oaths of office.

The following two reports by the committee on rules were filed with the Secretary by the chairman, Senator Irwin:

REPORT OF COMMITTEE ON RULES

MR. PRESIDENT: Your committee on rules begs leave to report that they have had the Senate rules under consideration and recommend that the rules of the Senate of the Forty-fifth General Assembly in regular session be adopted as the rules of the Senate of the Forty-fifth General Assembly in extraordinary session, when amended as follows:

Part 1. Amend Rule 5 by striking the words "One-fourth of the" in line one (1) and inserting in lieu thereof the word "Thirteen".

Part 2. Strike all of Rule 15 and insert in lieu thereof the following: "Any statement or paper presented to the Senate may, by unanimous consent, or upon the motion of any member, supported by a majority vote of those present, be printed in the journal."

Part 3. Amend Rule 17 by striking the first sentence and inserting in lieu thereof:

"Every Senate bill shall be introduced by one or more members, or by any standing or especially authorized committee of the Senate, and shall at once be given its first reading."

Further amend Rule 17 by inserting after the word, "rule", in line eight (8) thereof the words, ", except on the last legislative day".

Part 4. Amend Rule 20 by inserting after the word, "day", in line ten (10) thereof the following words:

", except that on the last legislative day it shall be in order for its third reading on the same day as engrossed".

Part 5. Strike all of Rule 22, and insert in lieu thereof:

"No bill shall be introduced in the Senate after December 4, 1933, except such bills as may be introduced by a standing or specially authorized committee."

Part 6. Amend Rule 23 by striking from lines one (1) and two (2) the words, "On or before the first Monday after March 10th, the", and inserting in lieu thereof the word, "The".

Part 7. Strike all of Rule 24, and insert in lieu thereof the following:

"No bill carrying an appropriation for any purpose shall go to its third reading until it has been acted upon by the committee on appropriations."

Part 8. Amend Rule 32 by striking the first nine (9) lines and inserting in lieu thereof the following:

"Each Senator shall be permitted to employ a clerk of his own selection with the approval of a majority vote of the Senate. All".

Part 9. Amend Rule 33, by striking the first four (4) lines and by inserting in lieu thereof the following:

"Clerks employed, as provided by Rule 32, when not engaged in duties pertaining to committees, or work assigned them by their Senator, shall be subject to the discretion".

Part 10. Strike all of Rule 50, and insert in lieu thereof the following:

"Bills reported out for passage or amendment and passage, or without

recommendation by a committee shall be arranged each day at 4:30 p. m., by the secretary, on a Daily Calendar in the order of the file numbers of said bills and following the preceding legislative day's Daily Calendar. The combined Daily Calendars shall make up the Senate Calendar or order for the consideration of bills. Priority shall be given to Senate over House file numbers and to joint resolutions over bills."

H. L. IRWIN, *Chairman.*

REPORT OF JOINT COMMITTEE ON RULES

MR. PRESIDENT: Your Committee on Rules begs leave to report that they have met with the members of the House Committee on Rules and recommend that the joint rules of the Forty-fifth General Assembly in regular session, be adopted as the joint rules of the Forty-fifth General Assembly in extraordinary session, with the following amendments:

Part 1. Amend Rule 2 by inserting after the word "doorkeeper" in line four (4) the words "or sergeant-at-arms".

Part 2. Amend Rule 6 by striking "by the speaker of the house of representatives, and then by the president of the senate" and inserting in lieu thereof the following: "by the presiding officer of the house in which the bill originated and then by the presiding officer of the other house".

Part 3. Amend Rule 12, line one (1) of page twenty-two (22), by inserting after the quotation (") and before the word "substitute" the following: "Senate (or House)".

Part 4. Strike all of Rule 18.

H. L. IRWIN, *Chairman,*

On the Part of the Senate.

LAMAR FOSTER, *Chairman,*

On the Part of the House.

On motion of Senator Wenner the Senate adjourned until 10:00 a. m. Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, NOVEMBER 13, 1933.

The Senate met pursuant to adjournment, President N. G. Kraschel presiding.

Prayer was offered by Rev. Thomas Carson, Des Moines Conference of Methodist Episcopal Church, of Hampton.

PETITIONS AND MEMORIALS

The following petitions were presented and passed on file:

Opposing tax on fraternal insurance. Senator Coykendall from Esther Lodge of Honor Protective Association, Shenandoah. Senator Byers from Aid Association for Lutherans, Cedar Rapids.

Opposing the change of the prohibition law. Senator Roelofs from citizens of O'Brien, Lyon, Sioux and Osceola counties.

Favoring ratification of child labor amendment. Senator Byers from Y. W. C. A., Cedar Rapids.

Favoring relief of real estate from school taxes, and modification of Beatty-Bennett law. Senator Wenner from Lowell P. T. A., Waterloo.

Favoring local option of liquor control. Senator Calhoun from city council of Fairfield.

INTRODUCTION OF BILLS

Senate File No. 13, by Senator Schmidt, a bill for an act to provide the least number of men that may be employed on switch-engines, or engines engaged in switching cars, and the penalty for the violation thereof.

Read first and second times and passed on file.

Senate File No. 14, by Senator Schmidt, a bill for an act to make an appropriation to Charles Anderson.

Read first and second times and passed on file.

Senate File No. 15, by Senator Schmidt, a bill for an act to amend section ninety-two hundred seventeen-c one (9217-c1), Code, 1931, as amended by chapter one hundred sixty-one (161) of the Acts of the forty-fifth general assembly, relating to the minimum capitalization of state and savings banks and trust companies.

Read first and second times and passed on file.

Senate File No. 16, by Senator Schmidt, a bill for an act to amend section eleven thousand forty-nine (11049), Code, 1931, relating to the place of bringing actions.

Read first and second times and passed on file.

Senate File No. 17, by Senator Schmidt, a bill for an act to amend sub-section ten (10), section fifty-one hundred ninety-one (5191), Code of Iowa, 1931, as amended by section six (6), chapter ninety (90), Acts of the forty-fifth general assembly, relating to mileage of sheriffs and their deputies.

Read first and second times and passed on file.

Senate File No. 18, by Senators Schmidt and Doze, a bill for an act to require the use of certain safety equipment on Motor Vehicles.

Read first and second times and passed on file.

Senate File No. 19, by Senator Tripp, a bill for an act to amend sub-section Five of Section Six Thousand Two Hundred Eleven of the Code of Iowa, 1931, relating to sewer fund permitting the use of the sewer fund for the construction, reconstruction, and repair of sewage disposal plant.

Read first and second times and passed on file.

Senate File No. 20, by Senator Tripp, a bill for an act to amend Section Six Thousand One Hundred Twenty Five of the Code of Iowa, 1931, relating to sewer bonds and indebtedness by including sewer outlets and/or purifying plants.

Read first and second times and passed on file.

Senate File No. 21, by Senator Tripp, a bill for an act to repeal all of Sections Fifty One Hundred Sixty Nine-a1 (5169-a1), Fifty One Hundred Sixty-Nine-a2 (5169-a2), Fifty One Hundred Sixty Nine-a3 (5169-a3), Fifty One Hundred Sixty Nine-a4 (5169-a4), Fifty One Hundred Sixty Nine-a5 (5169-a5), Fifty One Hundred

Sixty Nine-a6 (5169-a6), Fifty One Hundred Sixty-Nine-a7 (5169-a7), Fifty One Hundred Sixty Nine-a8 (5169-a8), Fifty One Hundred Sixty Nine-a9 (5169-a9), and Fifty One Hundred Sixty Nine-a10 (5169-a10), of the 1931 Code of Iowa, together with any and all acts amendatory thereto, relating to losses of the County Treasurer.

Read first and second times and passed on file.

Senate File No. 22, by Senator Chrystal, a bill for an act to amend Chapter One Hundred Ninety-nine (199) Code, 1931, and to provide methods for apportioning among the several counties of the state the cost of treatment of indigent persons at the hospital of the college of medicine of the state university.

Read first and second times and passed on file.

Senate File No. 23, by Senator Hopkins, a bill for an act to amend Chapter two (2), Code 1931, relating to the appointment of members of the General Assembly to office.

Read first and second times and passed on file.

Senate File No. 24, by Senator Doze, a bill for an act to require telephone companies to furnish equal service and facilities to each other without discrimination.

Read first and second times and passed on file.

Senate File No. 25, by Senator Hicklin, a bill for an act to amend Section seventy-seven hundred seventy-one (7771), of the Code of 1931, relating to the granting of a permit for the construction, maintenance and operation of a dam on the non-navigable or meandered streams of the State, and to provide for the diversion of the water therefrom; also, to provide for the submission of cost records for promotion, construction, repairs and/or additions to projects constructed and operated under the provisions of Section seventy-seven hundred seventy-one (7771) of the Code of 1931, and to provide for the recapture of such projects by the State, and/or political subdivisions thereof.

Read first and second times and passed on file.

Senate File No. 26, by committee on rules, a bill for an act to amend section two hundred sixty-three (263) of chapter sixteen (16), code, 1931, relative to the expenses to be incurred in the printing of local or legalizing acts of a strictly private interest and

defining the duties of the superintendent of printing and the secretary of state in connection therewith.

Read first and second times and placed on the calendar.

Senate File No. 27, by committee on rules, a bill for an act to amend the law as it appears in section twelve (12) of chapter two (2), code, 1931, relative to the rules of parliamentary practice in use by the General Assembly of Iowa in the absence of other rules.

Read first and second times and placed on the calendar.

RESIGNATION OF CLERK

November 13, 1933.

I hereby tender my resignation as clerk to Senator Topping to take effect immediately.

DAYLE GRANDEY.

The resignation was accepted.

Miss Mary A. Reid, of Des Moines county, being unable to serve as assistant enrolling clerk, Senator Stevens of Wapello moved that Miss Dayle Grandey, of Des Moines county, be elected to the position of assistant enrolling clerk of the Senate.

The motion prevailed.

Miss Dayle Grandey appeared before the bar of the Senate and took the required oath of office.

CONSIDERATION OF REPORT OF COMMITTEE ON RULES

The report as found on page 39 of the Senate Journal was taken up and considered.

SUPPLEMENTARY REPORT OF COMMITTEE ON RULES

MR. PRESIDENT: Your committee on rules begs leave to report the following additional changes to their recommendation for Senate rules for the Forty-fifth General Assembly in extraordinary session, found on page 39 of the Senate Journal for November 9th, as follows:

Part 1. Strike all of Part 6 of the original report and insert in lieu thereof the following: "Strike all of Rule 23."

Part 2. Amend Rule 21 by striking the last six (6) lines therefrom and by inserting in lieu thereof the following: "appropriations."

H. L. IRWIN, *Chairman.*

By unanimous consent, on request of Senator Irwin, the rules were suspended and the supplementary report taken up and considered.

The supplementary report was adopted.

Senator Wilson moved to amend the report of the rules committee by striking out the words "statement or" as it appears in line 3 of Part 2.

Further amend Part 2 by inserting after the word "paper" as it appears in line 3 the words ", other than that contemplated by section 10 article III of the Constitution of the State of Iowa,".

The amendment was adopted.

Senator Wenner offered the following amendment to the report and moved its adoption.

Amend by striking the period at the end of Part 5 and adding the following: ", but no bill shall be introduced by a sifting committee."

The amendment was adopted.

Senator Beatty offered the following amendment to the report and moved its adoption:

Amend Part 5 by striking therefrom the word and figure "December 4" and inserting in lieu thereof the word and figure "December 11".

Senator Irwin asked for a division of the vote.

The amendment was lost.

Senator Stanley offered the following amendment to the report and moved its adoption:

Amend by adding the following:

Part 11. Add the following rule as rule 52. "No bill shall be considered or acted upon by the Senate at this Special Session, except bills relating to those subjects upon which the Governor in his message delivered to the General Assembly on November 8, 1933, has requested or recommended action."

On request of Senator Stanley unanimous consent was granted to withdraw his amendment as an amendment to the report of the committee on rules of the Senate and offer it as an amendment to the report of committee on joint rules.

Senator Irwin moved that the report of the committee on rules of the Senate as amended, be accepted and adopted.

The report as amended was accepted and adopted.

Senator Irwin moved that action on the report of joint committee on rules of House and Senate be deferred until 10:00 a. m., Tuesday.

The motion prevailed.

REPORT OF COMMITTEE ON MILEAGE

MR. PRESIDENT: Your committee on mileage begs leave to submit the following report:

	Miles	Amount		Miles	Amount
Lt. Gov. Kraschel.....	115	\$11.50	Klemme	197	19.70
Anderson	96	9.60	Knudson	60	6.00
Aschenbrenner	44	4.40	Leo	110	11.00
Baldwin	201	20.10	Meyer	150	15.00
Beardsley	42	4.20	Miller of Jones.....	175	17.50
Beatty	87	8.70	Miller of Buchanan..	150	15.00
Bennett	154	15.40	Moore	100	10.00
Booth	115	11.50	Mullaney	265	26.50
Byers	132	13.20	McArthur	130	13.00
Calhoun	125	12.50	Nelson	39	3.90
Carden	137	13.70	Patterson	129	12.90
Chrystal	80	8.00	Pendray	180	18.00
Coykendall	150	15.00	Reese	72	7.20
Doze	72	7.20	Ritchie	136	13.60
Elthon	165	16.50	Roelofs	243	24.30
Fisch	222	22.20	Schmidt	125	12.50
Frailey	217	21.70	Shangle	60	6.00
Geske	308	30.80	Stanley	100	10.00
Harrington	200	20.00	Stevens of Decatur...	80	8.00
Hicklin	145	14.50	Stevens of Wapello...	91	9.10
Hill	145	14.50	Topping	168	16.80
Hopkins	63	6.30	Tripp	33	3.30
Hush	150	15.00	Valentine	90	9.00
Husted	38	3.80	Wenner	125	12.50
Irwin	193	19.30	Wilson	5	.50
Kimberly	175	17.50			

VINCENT F. HARRINGTON, *Chairman.*

GEO. A. WILSON.

WM. MCARTHUR.

APPOINTMENT OF PAGES BY THE LIEUTENANT-GOVERNOR

I hereby appoint the following persons to act as pages pursuant to the provisions of the rules of the Senate:

William Hippee, Lieutenant-Governor's page; James Hronek, Jr., Secretary's page; Billy B. Russell, Charles Larson, Edwin Berggren, Robert Downing, Marvin De Gooyer, Robert McVey, George Rood and Robert J. Fosselman, Senate pages.

N. G. KRASCHEL, *Lieutenant-Governor.*

The above pages reported at the secretary's office where they took the required oath.

ANNOUNCEMENT OF COMMITTEE ASSIGNMENTS.

Lieutenant-Governor Kraschel, as President of the Senate, announces the following committee assignments for the extraordinary session:

AIRCRAFT TRANSPORTATION AND RAILROADS

Coykendall—
Chairman
Bennett

Byers
Fisch

Irwin
Kimberly

Leo
Topping

AGRICULTURE

Ritchie— Chairman	Aschenbrenner	Coykendall	Miller of Jones
McArthur	Booth	Elthon	Mullaney
Anderson	Carden	Klemme	Nelson
	Chrystal	Meyer	

APPROPRIATIONS

Leo—Chairman	Doze	Miller of	Ritchie
Knudson	Frailey	Buchanan	Stanley
Anderson	Harrington	Moore	Stevens of
Booth	Hopkins	McArthur	Wapello
Byers	Hush	Patterson	Tripp
Chrystal	Husted	Pendray	Valentine
Coykendall	Hicklin	Reese	

BANKS AND BANKING

Irwin—Chairman	Byers	Husted	Miller of
Geske	Carden	Kimberly	Buchanan
Aschenbrenner	Doze	Miller of Jones	Stevens of
Bennett	Harrington		Decatur

BOARD OF CONTROL

Kimberly— Chairman	Beardsley	Fisch	Hush
Miller of Jones	Booth	Frailey	Topping

CITIES AND TOWNS

Wilson— Chairman	Baldwin	Moore	Topping
Harrington	Hicklin	Stevens of	Valentine
	Kimberly	Wapello	Wenner

CLAIMS

Hopkins— Chairman	Bennett	Elthon	Reese
Beatty	Calhoun	Fisch	Wenner
	Carden	Hill	

CONSERVATION

Carden— Chairman	Beardsley	Husted	Mullaney
Klemme	Geske	Miller of	Pendray
	Hill	Buchanan	Roelofs

COUNTY AND TOWNSHIP AFFAIRS

Nelson— Chairman	Beatty	Hill	Meyer
Chrystal	Coykendall	Husted	Roelofs
	Elthon	Klemme	Shangle

CONSTITUTIONAL AMENDMENTS

Valentine— Chairman	Hicklin	Stevens of	Tripp
Irwin	Hush	Wapello	Wenner

DEPARTMENTAL AFFAIRS

Anderson— Chairman	Chrystal	Irwin	Leo
Coykendall	Geske	Knudson	Patterson
			Wilson

DRAINAGE

Husted— Chairman Ritchie	Bennett Carden Chrystal	Frailey Hicklin	McArthur Topping
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ELECTIONS

Wenner— Chairman Beardsley	Calhoun Doze Hush	Meyer Miller of Jones Pendray	Schmidt Wilson
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EDUCATIONAL INSTITUTIONS

Bennett— Chairman Byers Anderson	Coykendall Doze Fisch	Miller of Buchanan Patterson Peardray	Reese Roelofs Stevens of Decatur
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EMERGENCY LEGISLATION

Geske— Chairman Knudson	Bennett Booth Coykendall	Moore Nelson Reese	Stanley Stevens of Wapello
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ENROLLED BILLS

Hush—Chairman	Hill	Hicklin	Hopkins
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FISH AND GAME

Fisch—Chairman Meyer Anderson Booth	Doze Elthon Hicklin Hopkins	Knudson Mullaney Patterson Reese	Stevens of Wapello Topping
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HIGHWAYS

Booth— Chairman Calhoun Coykendall	Meyer Mullaney Nelson	Reese Ritchie Schmidt	Stanley Topping Wenner
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INSURANCE

Knudson— Chairman Bennett Baldwin	Beatty Booth Carden Hopkins	Kimberly Miller of Jones McArthur	Schmidt Shangle Wenner
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JUDICIARY NO. 1

Frailey— Chairman Kimberly	Anderson Byers Geske	Harrington Irwin	Valentine Wenner
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JUDICIARY NO. 2

Hicklin— Chairman Shangle Baldwin	Beatty Bennett Booth	Calhoun Carden Stanley	Stevens of Decatur Wilson
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LABOR

McArthur Chairman Reese	Aschenbrenner Bennett Byers	Carden Irwin Moore	Patterson Ritchie
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LIQUOR CONTROL

Frailey— Chairman Kimberly	Baldwin Chrystal Irwin	Miller of Buchanan	Roelofs Shangle
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MANUFACTURING, COMMERCE AND TRADE

Topping— Chairman Wenner	Anderson Klemme	Stevens of Wapello Stevens of Decatur	Tripp Wilson
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MILITARY AFFAIRS

Stanley— Chairman Schmidt	Aschenbrenner Beatty	Beardsley Bennett	Fisch Husted
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MINES AND MINING

Stevens of Decatur— Chairman	Wilson Aschenbrenner	Hopkins Reese	Shangle Valentine
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MOTOR VEHICLES

Byers— Chairman Knudson Booth	Chrystal Hicklin Hush Meyer	Miller of Buchanan Miller of Jones Moore	Mullaney Nelson Schmidt
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POLITICAL AND JUDICIAL DISTRICTS

Elthon— Chairman Patterson	Calhoun Fisch Klemme	Meyer Roelofs	Schmidt Shangle
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PUBLIC HEALTH

Moore— Chairman Aschenbrenner	Beardsley Beatty Carden	Harrington Kimberly	Nelson Pendray
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PUBLIC SCHOOLS

Pendray— Chairman Moore	Elthon Hill Hopkins	Miller of Buchanan McArthur	Nelson Roelofs Wilson
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PRINTING

Hill—Chairman Roelofs Beatty	Baldwin Doze	Miller of Buchanan Mullaney	Reese Schmidt Shangle
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PUBLIC UTILITIES

Harrington— Chairman Topping	Baldwin Byers Geske	Klemme Knudson Miller of Jones	Moore Stevens of Wapello
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REDUCTION OF PUBLIC EXPENDITURES

Stevens of Wapello— Chairman Hicklin Baldwin Beardsley Bennett	Booth Calhoun Chrystal Coykendall Geske Harrington Hush	Husted Irwin Knudson Leo Patterson Ritchie Stanley	Stevens of Decatur Topping Tripp Valentine Wenner
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RETRENCHMENT AND REFORM

Baldwin Frailey	Leo	Irwin	Tripp
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(By statute, the committee shall elect its own chairman)

RULES

Irwin— Chairman Byers	Tripp Hicklin Kimberly	Ritchie Shangle	Stevens of Wapello
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TAX REVISION AND REORGANIZATION

Patterson— Chairman Valentine Beardsley	Chrystal Doze Geske Hicklin	Irwin Kimberly Knudson McArthur	Miller of Jones Roelofs Stevens of Wapello
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WAYS AND MEANS

Tripp— Chairman Patterson Aschenbrenner Beardsley	Calhoun Doze Elthon Frailey Hicklin	Hill Klemme Miller of Jones McArthur Nelson	Roelofs Stanley Stevens of Decatur Topping
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Senator Valentine moved to adjourn until 10:00 a. m. Tuesday.

Senator Mullaney moved to amend by making the time 9:00 a. m.

The amendment was lost.

The motion prevailed and the Senate adjourned until 10:00 a. m., Tuesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, NOVEMBER 14, 1933.

The Senate met pursuant to adjournment, President N. G. Kraschel presiding.

Prayer was offered by Rev. Chas. A. Carriel, of Westminster Presbyterian Church of Dubuque.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Aschenbrenner for the day, on request of Senator Doze.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring amendment of Beatty-Bennett law. Senator Wilson from American Association of University Women of Des Moines. Senator Wenner from Iowa State Policemen's Protective Association, Waterloo. Emergency legislation.

Favoring investigation of state gasoline tax. Senator Stanley from Uel Deere, Corning. Motor vehicles.

Opposing tax on fraternal insurance. Senator Meyer from citizens of Sumner. Senator Irwin from Aid Association for Lutherans, Clinton. Senator Wilson from Degree of Honor Protective Association, Des Moines. Insurance.

SENATE FILES NOS. 1 TO 25 REFERRED TO COMMITTEES

The President of the Senate ordered Senate Bills and Senate Joint Resolutions, introduced thus far in the session, to be referred to the following committees:

- Senate Joint Resolution No. 1, constitutional amendments.
- Senate File No. 1, tax revision and reorganization.
- Senate File No. 2, judiciary No. 2.
- Senate File No. 3, judiciary No. 2.

- Senate File No. 4, judiciary No. 2.
- Senate File No. 5, judiciary No. 2.
- Senate File No. 6, judiciary No. 2.
- Senate File No. 7, manufacturing, commerce and trade.
- Senate File No. 8, judiciary No. 1.
- Senate File No. 9, banks and banking.
- Senate File No. 10, county and township affairs.
- Senate File No. 11, emergency legislation.
- Senate File No. 12, emergency legislation.
- Senate File No. 13, labor.
- Senate File No. 14, claims.
- Senate File No. 15, banks and banking.
- Senate File No. 16, judiciary No. 1.
- Senate File No. 17, county and township affairs.
- Senate File No. 18, motor vehicles.
- Senate File No. 19, cities and towns.
- Senate File No. 20, cities and towns.
- Senate File No. 21, county and township affairs.
- Senate File No. 22, public health.
- Senate File No. 23, departmental affairs.
- Senate File No. 24, public utilities.
- Senate File No. 25, drainage.

INTRODUCTION OF BILLS

Senate File No. 28, by Senator Anderson, a bill for an act to regulate the employment of persons seeking employment in public offices, or any person receiving wages from any public board, institution, or officer, and to regulate agencies seeking employment for such persons in public institutions, and to prohibit inquiry concerning the religion or religious affiliations of such persons seeking employment or official positions or positions or offices of public emolument.

Read first and second times and passed on file.

Senate File No. 29, by Senator Hush, a bill for an act to amend chapter three hundred thirty-two (332), of the code, 1931, relating to the authority of County Boards of Supervisors to abate or reduce assessments upon moneys and credits, or to refund taxes paid on moneys and credits in certain cases.

Read first and second times and referred to committee on ways and means.

Senate File No. 30, by Senator Meyer, a bill for an act to legalize the corporate acts and proceedings of Pooley Lumber Company of Greene, Iowa, and to provide for the renewal and extension of the period of corporate existence and the adoption of renewal, amended and substituted articles of incorporation by said Pooley Lumber Company.

Read first and second times and referred to committee on judiciary No. 1.

Senate File No. 31, by Senator Hopkins, a bill for an act requiring liability insurance for certain employees operating state owned motor vehicles, and providing that the fact that the title to such motor vehicle is in the state of Iowa and such officer or employee is in discharge of his duties, shall be no defense to claim for damages based on negligence of such officers or employees in operating such motor vehicle.

Read first and second times and referred to committee on insurance.

Senate File No. 32, by Senator Wenner, a bill for an act to amend the law as it appears in Section ninety-four hundred twenty (9420) of Chapter four hundred nineteen (419) of the Code of Iowa, 1931, relating to Chattel Loans of not to exceed three hundred dollars (\$300.00) and fixing the maximum monthly rate of interest thereon.

Read first and second times and referred to committee on banks and banking.

President pro tem Harold L. Irwin was called to the chair at 10:19 a. m.

THIRD READING OF BILLS

On motion of Senator Byers Senate File 26, a bill for an act to amend section two hundred sixty-three (263) of chapter sixteen (16), code, 1931, relative to the expenses to be incurred in the printing of local or legalizing acts of a strictly private interest and defining the duties of the superintendent of printing and the secretary of state in connection therewith, a rules committee bill, was taken up and considered.

The bill was read for information.

Senator Byers moved that the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the vote was:

Ayes, 43.

Anderson	Geske	Miller of	Schmidt
Baldwin	Harrington	Buchanan	Stanley
Beatty	Hicklin	Miller of Jones	Stevens of
Bennett	Hill	Moore	Decatur
Booth	Hopkins	Mullaney	Stevens of
Byers	Hush	Nelson	Wapello
Carden	Husted	Patterson	Topping
Chrystal	Irwin	Pendray	Tripp
Coykendall	Klemme	Reese	Valentine
Doze	Leo	Ritchie	Wenner
Elthon	McArthur	Roelofs	Wilson
Fisch	Meyer		

Nays, none.

Absent or not voting, 7.

Aschenbrenner	Calhoun	Kimberly	Shangle
Beardsley	Frailey	Knudson	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Byers, Senate File No. 27, a bill for an act to amend the law as it appears in section twelve (12) of chapter two (2), code, 1931, relative to the rules of parliamentary practice in use by the General Assembly of Iowa in the absence of other rules, a rules committee bill, was taken up and considered.

The bill was read for information.

Senator Byers moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 44.

Anderson	Fisch	Miller of	Shangle
Baldwin	Geske	Buchanan	Stanley
Beatty	Harrington	Miller of Jones	Stevens of
Bennett	Hicklin	Moore	Decatur
Booth	Hill	Mullaney	Stevens of
Byers	Hopkins	Nelson	Wapello
Calhoun	Hush	Patterson	Topping
Carden	Husted	Pendray	Tripp
Chrystal	Irwin	Reese	Valentine
Coykendall	Klemme	Ritchie	Wenner
Doze	Leo	Roelofs	Wilson
Elthon	Meyer	Schmidt	

Nays, none.

Absent or not voting, 6.

Aschenbrenner	Frailey	Knudson	McArthur
Beardsley	Kimberly		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

REPORT OF JOINT COMMITTEE ON RULES CONSIDERED

The report as found on page 40 of the Senate Journal was taken up and considered.

Senator Stanley offered the following amendment to the report and moved its adoption:

Amend by adding thereto the following:

"Rule 20. No bill shall be considered or acted upon at this Extraordinary Session of the Forty-Fifth General Assembly of Iowa except bills relating to those subjects upon which the Governor of Iowa in his message delivered to the General Assembly on November 8, 1933 has requested or recommended consideration and action, and appropriation bills."

Roll call was demanded.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 16.

Booth	Hopkins	Moore	Stanley
Byers	Hush	Patterson	Valentine
Carden	Knudson	Pendray	Wenner
Coykendall	Miller of	Reese	
Geske	Buchanan		

Nays, 30.

Anderson	Fisch	McArthur	Shangle
Baldwin	Harrington	Meyer	Stevens of
Beardsley	Hicklin	Miller of Jones	Decatur
Beatty	Hill	Mullaney	Stevens of
Bennett	Husted	Nelson	Wapello
Calhoun	Irwin	Ritchie	Topping
Doze	Klemme	Roelofs	Tripp
Elthon	Leo	Schmidt	Wilson

Absent or not voting, 4.

Aschenbrenner	Chrystal	Frailey	Kimberly
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The amendment was lost.

Senator Byers offered the following amendment to the report and moved its adoption:

Amend by striking all of Part 2 and inserting in lieu thereof the following:

"Part 2. Strike all of rule 6 and insert in lieu thereof the following: 'After the report, each bill shall be signed by the president of the senate and by the speaker of the house, in the presence of their respective houses, and shall be first signed in the house in which the bill originated.'"

The amendment was adopted.

Senator Hicklin moved that the report of joint rules of House and Senate be accepted and adopted.

The report as amended was accepted and adopted.

By unanimous consent on request of Senator Hicklin, order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 33, by Senators Harrington, Hicklin and Tripp, a bill for an act relating to public revenue and providing for the equalization of taxation; prescribing a system for the taxation of the privilege of doing business within this state and of property used within this state measured by the gross income received therefrom; imposing a tax upon gross income; defining gross income, and other terms used herein; prescribing the method and manner of reporting such gross income, and for the assessing, levying, collecting and disbursing of such tax; abateing ad valorem taxes; providing for the administration of said law; fixing fines and penalties for the violation thereof; declaring an emergency; and repealing all laws in conflict with this act.

Read first and second times and referred to committee on tax revision and reorganization.

Senate File No. 34, by Senator Byers, a bill for an act to amend chapter three hundred twenty-six (326), Code 1931, and provide for the purchase of property by cities under the commission form of government, and to erect buildings thereon for police stations and/or jails, and to erect such buildings on property owned by such city and to provide for the taxes to pay therefor, and to anticipate such taxes by issuing bonds to which chapter three hundred twenty (320) Code 1931, shall be applicable.

Read first and second times and referred to committee on cities and towns.

ASSIGNMENT OF SEATS IN PRESS GALLERY

The secretary announced the following list of assignments to seats in the press gallery:

- C. C. Clifton—Des Moines Register, No. 51.
 Cliff Millen—Des Moines Tribune, No. 52.
 Charles Warren—Associated Press, No. 53.
 W. H. Schrader—United Press, No. 54.
 Ed. Dixon—I. N. S., No. 55.
 Marie Fritch—Des Moines Post-Dispatch, No. 56.
 George Gallarno—Plain Talk, No. 57.
 G. L. Caswell—Iowa Press Association, No. 59.
 W. E. Drips—Wallace Homestead, No. 63.
 L. W. Ainsworth—Mid-West Clip Sheet Service, No. 64.
 Wallace M. Short—The Unionist and Public Forum, Sioux City, No. 65.
 H. R. Gross—Iowa Union Farmer, No. 66.
 H. N. Whitney—General Correspondent, No. 67.
 I. C. Kartack—Independent Correspondent, No. 68.

EXTRA COPIES OF SENATE FILE NO. 1 ORDERED PRINTED

By unanimous consent on request of Senator Valentine, 2400 extra copies were ordered printed of Senate File No. 1.

SENATORS AND THEIR RESPECTIVE COMMITTEES

SENATOR ANDERSON

Departmental Affairs— Chairman	Appropriations Educational Institutions Fish and Game	Judiciary No. 1 Manufacturing, Com- merce and Trade
Agriculture		

SENATOR ASCHENBRENNER

Public Health—Rank- ing Member	Banks and Banking Labor	Mines and Mining Ways and Means
Agriculture	Military Affairs	

SENATOR BALDWIN

Cities and Towns Liquor Control Insurance	Judiciary No. 2 Printing Public Utilities	Reduction of Public Expenditures Retrenchment and Re- form
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SENATOR BEARDSLEY

Elections—Ranking Member Board of Control Conservation	Military Affairs Public Health Reduction of Public Ex- penditures	Tax Revision and Re- organization Ways and Means
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SENATOR BEATTY

Claims—Ranking Member County and Township Affairs	Insurance Judiciary No. 2 Military Affairs	Public Health Printing
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SENATOR BENNETT

Educational Institutions —Chairman	Aircraft, Transportation and Railroads— Ranking Member	Emergency Legislation Judiciary No. 2
Insurance—Ranking Member	Banks and Banking Claims Drainage	Labor Military Affairs Reduction of Public Ex- penditures

SENATOR BOOTH

Highways—Chairman	Emergency Legislation	Motor Vehicles
Agriculture	Fish and Game	Reduction of Public Ex- penditures
Appropriations	Insurance	
Board of Control	Judiciary No. 2	

SENATOR BYERS

Motor Vehicles— Chairman	Rules—Ranking Mem- ber	Appropriations Banks and Banking
Educational Institu- tions—Ranking Mem- ber	Aircraft, Transportation and Railroads	Judiciary No. 2 Labor Public Utilities

SENATOR CALHOUN

Highways — Ranking Member	Judiciary No. 2	Reduction of Public Ex- penditures
Claims	Political and Judicial District	Ways and Means
Elections		

SENATOR GARDEN

Conservation— Chairman	Claims	Judiciary No. 2
Agriculture	Drainage	Labor
Banks and Banking	Insurance	Public Health

SENATOR CHRYSAL

County and Township Affairs — Ranking Member	Departmental Affairs	Reduction of Public Ex- penditures
Agriculture	Drainage	Tax Revision and Re- organization
Appropriations	Liquor Control Motor Vehicles	

SENATOR COYKENDALL

Aircraft, Transporta- tion and Railroads— Chairman	Agriculture	Educational Institutions
Departmental Affairs— Ranking Member	Appropriations	Emergency Legislation
	County and Township Affairs	Highways
		Reduction of Public Ex- penditures

SENATOR DOZE

Appropriations	Educational Institutions	Tax Revision and Re- organization
Banks and Banking	Fish and Game	Ways and Means
Elections	Printing	

SENATOR ELTHON

Political and Judicial Districts—Chairman	Claims	Fish and Game
Agriculture	County and Township Affairs	Public Schools
		Ways and Means

SENATOR FISCH

Fish and Game— Chairman	Board of Control Claims	Military Affairs Political and Judicial Districts
Aircraft, Transporta- tion and Railroads— Ranking Member	Educational Institutions	

SENATOR FRAILEY

Judiciary No. 1— Chairman	Retrenchment and Re- form	Board of Control Drainage
Liquor Control— Chairman	Appropriations	Ways and Means

SENATOR GESKE

Emergency Legislation —Chairman	Conservation Departmental Affairs	Reduction of Public Ex- penditures
Banks and Banking— Ranking Member	Judiciary No. 1 Public Utilities	Tax Revision and Re- organization

SENATOR HARRINGTON

Public Utilities— Chairman	Appropriations Banks and Banking	Public Health Reduction of Public Ex- penditures
Cities and Towns — Ranking Member	Judiciary No. 1	

SENATOR HICKLIN

Judiciary No. 2— Chairman	Cities and Towns Constitutional Amend- ments	Motor Vehicles Rules
Reduction of Public Ex- penditures—Ranking Member	Drainage Enrolled Bills	Tax Revision and Re- organization
Appropriations	Fish and Game	Ways and Means

SENATOR HILL

Printing—Chairman	Claims	Public Schools
Enrolled Bills—Ranking Member	Conservation County and Township Affairs	Ways and Means

SENATOR HOPKINS

Claims—Chairman	Fish and Game	Mines and Mining
Appropriations	Insurance	Public Schools
Enrolled Bills		

SENATOR HUSH

Enrolled Bills— Chairman	Constitutional Amend- ments	Motor Vehicles Reduction of Public Ex- penditures
Appropriations	Elections	
Board of Control		

SENATOR HUSTED

Drainage—Chairman	Conservation	Military Affairs
Appropriations	County and Township Affairs	Reduction of Public Ex- penditures
Banks and Banking		

SENATOR IRWIN

Banks and Banking— Chairman	Aircraft, Transporta- tion and Railroads	Reduction of Public Ex- penditures
Rules—Chairman	Departmental Affairs	Retrenchment and Re- form
Constitutional Amend- ments—Ranking Member	Judiciary No. 1 Labor Liquor Control	Tax Revision and Re- organization

SENATOR KIMBERLY

Board of Control— Chairman	Aircraft, Transporta- tion and Railroads	Public Health Rules
Judiciary No. 1—Rank- ing Member	Banks and Banking Cities and Towns	Tax Revision and Re- organization
Liquor Control—Rank- ing Member	Insurance	

SENATOR KLEMME

Conservation—Ranking Member	County and Township Affairs	Political and Judicial Districts
Agriculture	Manufacturing, Com- merce and Trade	Public Utilities Ways and Means

SENATOR KNUDSON

Insurance—Chairman	Emergency Legislation	Reduction of Public Ex- penditures
Motor Vehicles—Rank- ing Member	—Ranking Member	Tax Revision and Re- organization
Appropriations—Rank- ing Member	Departmental Affairs Fish and Game Public Utilities	

SENATOR LEO

Appropriations— Chairman	Departmental Affairs	Retrenchment and Re- form
Aircraft, Transporta- tion and Railroads	Reduction of Public Ex- penditures	

SENATOR MEYER

Fish and Game—Rank- ing Member	County and Township Affairs	Political and Judicial Districts
Agriculture	Elections Highways	Motor Vehicles

SENATOR MILLER OF JONES

Board of Control— Ranking Member	Tax Revision and Re- organization	Motor Vehicles Public Utilities
Agriculture	Elections	Ways and Means
Banks and Banking	Insurance	

SENATOR MILLER OF BUCHANAN

Appropriations	Educational Institutions	Public Schools
Banks and Banking	Liquor Control	Printing
Conservation	Motor Vehicles	

SENATOR MOORE

Public Health— Chairman	Appropriations	Labor
Public Schools—Rank- ing Member	Cities and Towns	Motor Vehicles
	Emergency Legislation	Public Utilities

SENATOR MULLANEY

Agriculture	Fish and Game	Motor Vehicles
Conservation	Highways	Printing

SENATOR McARTHUR

Labor—Chairman	Drainage	Tax Revision and Re- organization
Agriculture—Ranking Member	Insurance	Ways and Means
Appropriations	Public Schools	

SENATOR NELSON

County and Township Affairs—Chairman	Emergency Legislation	Public Health
Agriculture	Highways	Public Schools
	Motor Vehicles	Ways and Means

SENATOR PATTERSON

Tax Revision and Re- organization— Chairman	Ways and Means— Ranking Member	Fish and Game
Political and Judicial Districts	Appropriations	Labor
	Departmental Affairs	Reduction of Public Ex- penditures
	Educational Institutions	

SENATOR PENDRAY

Public Schools— Chairman	Conservation	Educational Institutions
Appropriations	Elections	Public Health

SENATOR REESE

Labor—Ranking Member	Educational Institutions	Highways
Appropriations	Emergency Legislation	Mines and Mining
Claims	Fish and Game	Printing

SENATOR RITCHIE

Agriculture—Chairman	Appropriations	Reduction of Public Ex- penditures
Drainage—Ranking Member	Highways	Rules
	Labor	

SENATOR ROELOFS

Printing—Ranking Member	Educational Institutions	Public Schools
Conservation	Liquor Control	Tax Revision and Re- organization
County and Township Affairs	Political and Judicial Districts	Ways and Means

SENATOR SCHMIDT

Military Affairs— Ranking Member	Highways	Political and Judicial District
Elections	Insurance	Printing
	Motor Vehicles	

SENATOR SHANGLE

Judiciary No. 2 Ranking Member County and Township Affairs	Insurance Liquor Control Mines and Mining	Political and Judicial Districts Printing Rules
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SENATOR STANLEY

Military Affairs— Chairman Appropriations	Emergency Legislation Highways Judiciary No. 2	Reduction of Public Expenditures Ways and Means
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SENATOR STEVENS OF DECATUR

Mines and Mining— Chairman Banks and Banking Educational Institu- tions	Judiciary No. 2 Manufacturing, Com- merce and Trade	Reduction of Public Expenditures Ways and Means
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SENATOR STEVENS OF WAPELLO

Reduction of Public Expenditures— Chairman Appropriations Cities and Towns	Constitutional Amendments Emergency Legislation Fish and Game	Manufacturing, Commerce and Trade Public Utilities Rules Tax Revision and Reorganization
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SENATOR TOPPING

Manufacturing, Com- merce and Trade— Chairman Public Utilities— Ranking Member	Aircraft, Transporta- tion and Railroads Board of Control Cities and Towns Drainage	Fish and Game Highways Reduction of Public Expenditures Ways and Means
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SENATOR TRIPP

Ways and Means— Chairman Rules Appropriations	Constitutional Amendments Manufacturing, Commerce and Trade	Reduction of Public Expenditures Retrenchment and Reform
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SENATOR VALENTINE

Constitutional Amend- ments—Chairman Tax Revision and Reorganization— Ranking Member	Appropriations Cities and Towns Judiciary No. 1	Mines and Mining Reduction of Public Expenditures
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SENATOR WENNER

Elections—Chairman Manufacturing, Com- merce and Trade— Ranking Member	Cities and Towns Claims Constitutional Amendments Highways	Insurance Judiciary No. 1 Reduction of Public Expenditures
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SENATOR WILSON

Cities and Towns— Chairman	Departmental Affairs Elections	Manufacturing, Commerce and Trade
Mines and Mining— Ranking Member	Judiciary No. 2	Public Schools

On motion of Senator Wilson, the Senate adjourned until 10:00
a. m. Wednesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, NOVEMBER 15, 1933.

The Senate met pursuant to adjournment, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Dr. J. Roy Stroock, president of Andhra Christian College, Guntur, South India.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring passage of the gross income tax bill. Senator Harrington from citizens of Sioux City. Tax revision and reorganization.

Requesting bill for acceptance of Home Owners Loan Corporation bonds by county treasurers for payment of taxes. Senator Harrington from Sioux City Real Estate Board. Emergency legislation.

Favoring amendment to Beatty-Bennett law. Senator Wenner from the American Association of University Women, Waterloo. Emergency legislation.

Opposing tax on fraternal insurance. Senator Wenner from Brotherhood of Railroad Trainmen, Woman's Benefit Association, and Aid Association for Lutherans, Waterloo. Senator Frailey from the citizens of Ft. Madison. Senator Mike Fisch from Aid Association of Lutherans, Ida Grove, and Galva. Senator Leo from Aid Association of Lutherans, Newhall. Insurance.

INTRODUCTION OF BILLS

Senate File No. 35, by Senator Hill, a bill for an act to amend the law as it appears in section ninety-four hundred twenty (9420) of the Code, 1931, relating to interest on chattel loans up to three hundred (\$300.00) dollars.

Read first and second times and referred to committee on banks and banking.

Senate File No. 36, by Senator Ritchie, a bill for an act to impose a tax on retail sales of industrial alcohol manufactured from black strap molasses; to provide for accounting for such sales and collecting said tax, and for allocating funds derived therefrom.

Read first and second times and referred to committee on agriculture.

Senate File No. 37, by Senator Stanley, a bill for an act to amend section fifty-six hundred seventeen (5617), Code, 1931, relating to the severance of territory from a city or town.

Read first and second times and referred to committee on cities and towns.

Senate File No. 38, by Senator Tripp, a bill for an act to repeal Section One Thousand Sixty Six-a1 (1066-a1) of the 1931 Code of Iowa, relating to bond of County Treasurer, and to enact a substitute therefor.

Read first and second times and referred to committee on county and township affairs.

Senate File No. 39, by Senator Reese, a bill for an act to provide for the employment of citizens of the United States and residents of the State of Iowa in all state institutions supported by general tax.

Read first and second times and referred to committee on labor.

Senate File No. 40, by Senator Reese, a bill for an act to amend Section eleven thousand seven hundred sixty (11760) Code of Iowa, 1931, providing for the addition of radio receiving set and automobile or truck to general exemptions.

Read first and second times and referred to committee on judiciary No. 2.

Senate File No. 41, by Senator Stanley, a bill for an act to amend section ten thousand one hundred thirty-eight (10138), Code of Iowa, 1931, relating to the selection and platting of a homestead.

Read first and second times and referred to committee on judiciary No. 1.

Senate File No. 42, by Senator Frailey and Kimberly, a bill

for an act to provide for the protection, welfare and assistance of aged persons in need and resident in the State of Iowa, providing the method therefor, making an appropriation therefor and prescribing penalties for the violation of the provisions of this act.

Read first and second times and referred to committee on judiciary No. 2.

Senate File No. 43, by Senator Calhoun, a bill for an act to repeal paragraphs three (3), four (4), five (5) and six (6), of Section thirteen hundred ninety-seven (1397), Code, 1931, and to enact substitutes therefor relating to computation of workmen's compensation and prescribing methods for computing the average weekly earnings and annual earning capacity in such computation.

Read first and second times and referred to committee on judiciary No. 2.

Senate Joint Resolution No. 2, by Special committee on salaries, a joint resolution fixing the compensation of officers and employees of the forty-fifth general assembly in extraordinary session.

Read first and second times and passed on file.

Senate File No. 44, by Senator Wilson, a bill for an act providing the method of preparing bills, and providing the manner of printing the same.

Read first and second times and referred to committee on judiciary No. 1.

Senate File No. 45, by Senator Roelofs, a bill for an act to amend section forty-four hundred eighty-eight (4488) and forty-five hundred seven (4507) of the Code, 1931, relating to the rate of interest on the permanent school fund.

Read first and second times and referred to committee on ways and means.

REPORT OF COMMITTEE ON MILEAGE CONSIDERED

Senator Harrington called up for consideration the report of the committee on mileage as found on page 46 of the Senate journal, and moved its adoption.

On request of Senator Harrington unanimous consent was granted to change the mileage of Senator Elthon from 165 miles to 140 miles and the amount due him from \$16.50 to \$14.00.

On the question, "Shall the report be adopted?" the vote was:

Ayes, 47.

Anderson	Fisch	McArthur	Schmidt
Aschenbrenner	Frailey	Meyer	Shangle
Baldwin	Geske	Miller of	Stanley
Beardsley	Harrington	Buchanan	Stevens of
Beatty	Hicklin	Miller of Jones	Decatur
Bennett	Hill	Moore	Stevens of
Booth	Hopkins	Mullaney	Wapello
Byers	Hush	Nelson	Topping
Calhoun	Husted	Patterson	Tripp
Carden	Irwin	Pendray	Valentine
Coykendall	Kimberly	Reese	Wenner
Doze	Klemme	Ritchie	Wilson
Elthon	Leo		

Nays, none.

Absent or not voting, 3.

Chrystal	Knudson	Roelofs
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The report was adopted.

SENATE JOINT RESOLUTION NO. 2 CONSIDERED

Senator Harrington asked unanimous consent to consider the report of the committee on salaries.

Senator Wilson objected until the resolution might be printed.

Senator Harrington withdrew his request.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the following House Concurrent Resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution No. 3, giving bills relating to subjects referred to in the message of the Governor preference on the Calendar during the Special Session.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 38, a bill for an act providing for the purchase of property by cities under the commission form of government and providing for taxes and the issuing of bonds therefor.

Also: That the House has concurred in the amendment and adopted the following committee report in which the concurrence of the House was asked:

Report of the Joint Committee recommending Joint Rules for the Forty-fifth General Assembly, Extra Session.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE CONCURRENT RESOLUTION NO. 3

Whereas, the Honorable Clyde L. Herring, Governor of Iowa, in his message to the special session of the Forty-Fifth General Assembly pointed out certain legislation which he felt should have the attention of said special session, and

Whereas, the citizens of the State of Iowa desire that certain of the legislation suggested by the Governor in his message be speedily enacted into law, now, therefore,

Be It Resolved by the House, the Senate Concurring, That the bills relating to those subjects referred to in the message of the Governor, delivered to the Forty-fifth General Assembly, Extra Session, be given preference upon the calendar during said special session.

HOUSE MESSAGE CONSIDERED

House File No. 38, a bill for an act to amend chapter three hundred twenty-six (326), Code 1931, and provide for the purchase of property by cities under the commission form of government, and to erect buildings thereon for police stations and/or jails, and to erect such buildings on property owned by such city and to provide for taxes to pay therefor, and to anticipate such taxes by issuing bonds to which chapter three hundred twenty (320), Code 1931, shall be applicable.

Read first and second times and referred to committee on cities and towns.

SENATE CLERK APPOINTED

Senator Topping announced his selection of Florence G. Beardsworth as his clerk to fill the vacancy created by the resignation of Dayle Grandey.

Senator Hill moved that the Senate approve the appointment of Florence G. Beardsworth.

The motion prevailed.

Florence G. Beardsworth reported to the secretary's office where she took the required oath.

CONSIDERATION OF SENATE JOINT RESOLUTION RESUMED

Senator Wilson withdrew his objection to the consideration of joint resolution No. 2 by the special committee on compensation.

On request of Senator Kimberly, unanimous consent was granted to suspend the rules and consider Senate joint resolution No. 2.

THIRD READING OF BILLS

On motion of Senator Kimberly Senate joint resolution No. 2, a joint resolution fixing the compensation of officers and employees of the forty-fifth general assembly in extraordinary session, a special committee on compensation bill, was taken up, and considered.

Senator Kimberly offered the following amendment and moved its adoption:

Amend section 1, by striking the words "the assistant general clerk of the Senate; and to" in lines 37 and 38;

Also amend section 1 by inserting the words "the assistant general clerk," following the words "lieutenant governor's clerk," in line 29.

The amendment was adopted.

The resolution was read for information.

Senator Kimberly moved that the resolution be read a third time now, which motion prevailed, and the resolution was read a third time.

On the question "Shall the resolution pass?" the vote was:

Ayes, 46.

Anderson	Fisch	McArthur	Roelofs
Baldwin	Frailey	Meyer	Shangle
Beardsley	Geske	Miller of	Stanley
Beatty	Harrington	Buchanan	Stevens of
Bennett	Hicklin	Miller of Jones	Decatur
Booth	Hill	Moore	Stevens of
Byers	Hush	Mullaney	Wapello
Calhoun	Husted	Nelson	Topping
Carden	Irwin	Patterson	Tripp
Chrystal	Kimberly	Pendray	Valentine
Coykendall	Knudson	Reese	Wenner
Doze	Leo	Ritchie	Wilson
Elthon			

Nays, none.

Absent or not voting, 4.

Aschenbrenner	Hopkins	Klemme	Schmidt
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The resolution having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On request of Senator Kimberly, unanimous consent was

granted to have the resolution messaged to the House immediately.

EXTRA COPIES OF SENATE FILES NOS. 2, 3, 4, 5 AND 6 ORDERED

On request of Senator Bennett, unanimous consent was granted to have printed 2,400 extra copies each of Senate Files Nos. 2, 3, 4, 5 and 6.

On motion of Senator Wilson, the Senate recessed until the fall of the gavel.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel, President pro tempore Harold L. Irwin, presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following joint resolution in which the concurrence of the House was asked:

Senate Joint Resolution*No. 2 fixing the compensation of officers and employees of the forty-fifth general assembly in extraordinary session.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENT TO SENATE JOINT RESOLUTION NO. 2

Amend Senate Joint Resolution No. 2 by striking all of Section one (1) and inserting in lieu thereof the following:

"Section 1. Pursuant to the provisions of section nineteen (19) of the code, 1931, it is provided that the compensation of all officers and employees of the forty-fifth general assembly in extraordinary session shall be as follows, to be paid in accordance with the rules of the senate and house:

Nine dollars (\$9.00) per day to the secretary of the senate and to the chief clerk of the house.

Seven and 20/100 dollars (\$7.20) per day to the assistant in law research in the law library.

Six and 30/100 dollars (\$6.30) per day to the assistant secretary, the reading clerk, the enrolling clerks, the engrossing clerk, the general clerk, the journal clerks of the senate, and to the assistant chief clerk, the reading clerk, the enrolling clerk, the engrossing clerk, the journal clerks, and to the assistant clerk to the chief clerk of the house.

Four and 50/100 dollars (\$4.50) per day to the sergeant-at-arms of the senate and house, the assistant sergeant-at-arms of the senate and house, the chief doorkeeper of the senate and house, the bill and file

clerks of the house and senate, the lieutenant governor's clerk, the secretary's clerk, the speaker's clerk, the chief clerk's clerk, the assistant enrolling clerk of the house, and the enrolled bills clerks of the senate and of the house; also the assistant in general research in the law library, and the legislative assistant in economics and sociology department of the state library.

Three and 60/100 dollars (\$3.60) per day to the assistant bill and file clerks of the house, the postmistress and assistant postmistress, the doorkeepers, the chief janitor, assistant janitors and committee clerks of the house and senate, the matron of the senate cloak room and the assistant electrician for the voting machine of the house; also the stenographer and typist for law librarian, the page to the law librarian, the stenographer for the economics and sociology division of the library, the assistant matron, the elevator tenders, the messenger to the mail carrier, and the assistant messenger, and to the porters and janitors employed by the general assembly.

Two and 50/100 dollars (\$2.50) per day to the lieutenant governor's page, the speaker's page, the secretary's page and the chief clerk's page.

Two and 25/100 dollars (\$2.25) per day to the telephone messengers in the house and senate.

Two dollars (\$2.00) per day to the other pages in the house and senate."

By unanimous consent, on request of Senator Hill, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 46, by Senator Hill, a bill for an act to amend section thirteen thousand three hundred thirty-one (13,331), Code, 1931, relating to resisting of the execution of process.

Read first and second times and referred to committee on county and township affairs.

Senate File No. 47, by Senator Hill, a bill for an act to amend sections thirteen thousand three hundred forty (13,340), thirteen thousand three hundred forty-one (13,341), and thirteen thousand three hundred forty-seven (13,347) of the Code, 1931, relating to the crime of riot and riotous conduct.

Read first and second times and referred to committee on county and township affairs.

Senate File No. 48, by Senators Reese, Stevens of Wapello and Valentine, a bill for an act to prohibit the sale in Iowa of all prison made goods produced by convict labor, and to provide a penalty for the violation thereof.

Read first and second times and referred to committee on manufacturing, commerce and trade.

By unanimous consent, on request of Senator Kimberly, the rules were suspended and House amendment to Senate joint resolution No. 2 was taken up and considered.

HOUSE AMENDMENTS CONSIDERED

Senator Kimberly called up for consideration Senate joint resolution No. 2, amended by the House, and moved that the Senate concur in the following amendments:

Amend Senate Joint Resolution No. 2 by striking all of Section one (1) and inserting in lieu thereof the following:

"Section 1. Pursuant to the provisions of section nineteen (19) of the code, 1931, it is provided that the compensation of all officers and employees of the forty-fifth general assembly in extraordinary session shall be as follows, to be paid in accordance with the rules of the senate and house:

Nine dollars (\$9.00) per day to the secretary of the senate and to the chief clerk of the house.

Seven and 20/100 dollars (\$7.20) per day to the assistant in law research in the law library.

Six and 30/100 dollars (\$6.30) per day to the assistant secretary, the reading clerk, the enrolling clerks, the engrossing clerk, the general clerk, the journal clerks of the senate, and to the assistant chief clerk, the reading clerk, the enrolling clerk, the engrossing clerk, the journal clerks, and to the assistant clerk to the chief clerk of the house.

Four and 50/100 dollars (\$4.50) per day to the sergeant-at-arms of the senate and house, the assistant sergeant-at-arms of the senate and house, the chief doorkeeper of the senate and house, the bill and the file clerks of the house and senate, the lieutenant governor's clerk, the secretary's clerk, the speaker's clerk, the chief clerk's clerk, the assistant enrolling clerk of the house, and the enrolled bills clerks of the senate and of the house; also the assistant in general research in the law library, and the legislative assistant in economics and sociology department of the state library.

Three and 60/100 dollars (\$3.60) per day to the assistant bill and file clerks of the house, the postmistress and assistant postmistress, the doorkeepers, the chief janitor, assistant janitors and committee clerks of the house and senate, the matron of the senate cloak room and the assistant electrician for the voting machine of the house; also the stenographer and typist for law librarian, the page to the law librarian, the stenographer for the economics and sociology division of the library, the assistant matron, the elevator tenders, the messenger to the mail carrier, and the assistant messenger, and to the porters and janitors employed by the general assembly.

Two and 50/100 dollars (\$2.50) per day to the lieutenant governor's page, the speaker's page, the secretary's page and the chief clerk's page.

Two and 25/100 dollars (\$2.25) per day to the telephone messengers in the house and senate.

Two dollars (\$2.00) per day to the other pages in the house and senate."

On the question "Shall the Senate concur?" the vote was:

Ayes, none.

Nays, 46.

Anderson	Fisch	Leo	Ritchie
Aschenbrenner	Frailey	McArthur	Roelofs
Baldwin	Geske	Meyer	Schmidt
Beardsley	Harrington	Miller of	Shangle
Beatty	Hicklin	Buchanan	Stanley
Bennett	Hill	Miller of Jones	Stevens of
Booth	Hopkins	Moore	Decatur
Byers	Hush	Mullaney	Topping
Calhoun	Irwin	Nelson	Tripp
Coykendall	Kimberly	Patterson	Valentine
Doze	Klemme	Pendray	Wenner
Elthon	Knudson	Reese	Wilson

Absent or not voting, 4.

Carden	Chrystal	Husted	Stevens of
			Wapello

The House amendment having failed to receive a constitutional majority was declared to have failed to be adopted by the Senate.

On request of Senator Wilson, unanimous consent was granted to message the vote on the amendment to the House immediately.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House insists on its amendment to Senate Joint Resolution No. 2 and requests the conference committee; and the Speaker has appointed as members of such committee on the part of the House, Representatives Bonnstetter of Kossuth, Fabritz of Wapello, Dole of Jefferson and Koch of Bremer.

VIRGIL LEKIN, *Chief Clerk.*

On request of Senator Wilson, unanimous consent was granted to consider the House message on Senate joint resolution No. 2.

CONFERENCE COMMITTEE ON SENATE JOINT RESOLUTION NO. 2

The President pro tempore appointed as Senate members of the conference committee on Senate joint resolution No. 2, Senators Harrington, Kimberly, Ritchie and Topping.

EXTRA COPIES OF SENATE FILE NO. 33 ORDERED

On request of Senator Harrington 1,200 extra copies of Senate File No. 33 were ordered printed.

Senator Pendray was called to the chair at 2:24 p. m.

On request of Senator Valentine unanimous consent was granted to return to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 49, by committee on banks and banking, a bill for an act deemed necessary for the public good, and relating to the rights, powers, privileges, duties and liabilities of corporations now or hereafter organized as a state or savings bank, or trust company, and the stockholders thereof; and to authorize and provide a method for amending the articles of incorporation of any such corporation, and for the increase or reduction of the capital stock of any such corporation, and to authorize the issuance of one or more classes of preferred stock by any such corporation; and to limit the scope and effect of Sections 9246, 9247, 9248, 9248-a1, 9251, 9252 and 9253, Code of Iowa, 1931, relating to assessments and double liability and the imposition and enforcement of assessments upon capital stock and liabilities of stockholders of such corporations and providing rules of construction in event of conflict or unconstitutionality of a part of the Act.

Read first and second times and placed on the calendar.

Senate File No. 50, by committee on banks and banking, a bill for an act to provide for the issuance of preferred stock of one or more classes by state banks, savings banks and trust companies organized under the laws of this State that have been reorganized and/or recapitalized, or are in the process of reorganization and/or recapitalization; providing for the consent of "certificate holders" and subordinating the rights of "certificate holders" in and to earnings or income of such banks and trust companies, to the rights of holders of preferred stock, both as to dividends and sinking fund; and binding non-consenting "certificate holders" upon written consent of required number and amount; providing for public bodies as "certificate holders" entering into written consents and subordination agreements; and providing rules of construction in event of conflict or unconstitutionality of a part of the Act.

Read first and second times and placed on the calendar.

The Senate recessed until the fall of the gavel.

The Senate reconvened at the sound of the gavel, President pro tempore Harold L. Irwin, presiding.

REPORT OF CONFERENCE COMMITTEE ON SENATE JOINT RESOLUTION NO. 2

November 15, 1933.

MR. PRESIDENT: Your Conference Committee begs leave to report that the attached list of the employees of the Senate and House and extra help showing the amount of compensation agreed upon by the Conference Committee is herein respectfully submitted.

For the Senate,

VINCENT F. HARRINGTON
Chairman

W. R. RITCHIE
D. W. KIMBERLY
CLYDE H. TOPPING.

For the House,

A. H. BONNSTETTER
Chairman

E. H. FABRITZ
WM. KOCH
J. WILBUR DOLE.

Substitute the following as section one (1) in lieu of the original section one (1) as adopted by the senate and in lieu of section one (1) of the resolution as adopted by the house:

"Section 1. Pursuant to the provisions of section nineteen (19) of the code, 1931, it is provided that the daily compensation of all officers and employees of the forty-fifth general assembly in extraordinary session shall be as follows, to be paid in accordance with the rules of the senate and house:

OFFICERS AND EMPLOYEES OF THE SENATE

Secretary of the Senate.....	\$9.00	Sergeant-at-Arms	4.50
Assist. Secretary of the Senate	6.30	Assistant Sergeant-at-Arms....	4.50
Reading Clerk	6.30	Chief Doorkeeper	4.50
Engrossing Clerk	6.30	Doorkeepers	3.60
Enrolling Clerk	6.30	Enrolled Bills Clerk.....	4.50
Assistant Enrolling Clerk.....	6.30	Postmistress	3.60
Journal Clerk	6.30	Committee Clerks	3.60
Assistant Journal Clerk.....	5.50	Matron	3.60
Assistant Journal Clerk.....	5.50	Janitors	3.60
General Clerk	6.30	Messenger to the Mail Carrier	3.60
Assistant General Clerk.....	4.25	Telephone Messenger	2.25
Clerk to Lieutenant-Governor	4.50	Lieutenant Governor's Page...	2.50
Clerk to Secretary.....	4.50	Secretary's Page	2.50
Bill Clerk	4.50	Pages	2.00
File Clerk	4.50		

HOUSE OFFICERS AND EMPLOYEES

\$9.00 per day to the Chief Clerk.

6.30 per day to the Assistant Chief Clerk.

6.30 per day to the Journal Clerk.

6.30 per day to the Assistant Journal Clerk.
 6.30 per day to the Engrossing Clerk.
 6.30 per day to the Enrolling Clerk.
 6.30 per day to the Reading Clerk.
 6.30 per day to the Special Clerk.
 4.50 per day to the Filing Clerk.
 6.30 per day to the Clerk of Enrolled Bills.
 4.50 per day to the Bill Clerk.
 4.50 per day to the Assistant Bill and File Clerk.
 4.50 per day to the Speaker's Clerk.
 4.50 per day to the Chief Clerk's Clerk.
 3.60 per day to the Committee Clerks.
 3.60 per day to the Postmistress.
 4.50 per day to the Sergeant-at-Arms.
 4.50 per day to the Assistant Sergeant-at-Arms.
 3.60 per day to the Porter.
 3.60 per day to the Assistants to Porter (4).
 2.25 per day to the Telephone Messenger.
 4.50 per day to the Chief Doorkeeper.
 3.60 per day to the Doorkeepers (9).
 2.50 per day to the Chief Clerk's Page.
 2.50 per day to the Speaker's Page.
 2.00 per day to the Pages.
 3.60 per day to the Assistant Electrician.

EXTRA HELP

\$7.20 per day to the Assistant in Law Research.
 4.50 per day to the Assistant in General Research.
 3.60 per day to the Stenographer and Typist for Librarian and his office.
 3.60 per day to the Page to Librarian and his office.
 3.60 per day to the Stenographer for Economics and Sociology Department of Library.
 3.60 per day to the Assistant Messenger to Mail Carrier.
 3.60 per day to the Assistant Matron.
 3.60 per day to the Elevator Tenders.
 3.60 per day to the Janitors."

On request of Senator Harrington, unanimous consent was granted to suspend the rules and consider the report of conference committee on Senate Joint Resolution No. 2.

Senator Harrington moved the adoption of the report.

On the question "Shall the report be adopted?" the vote was:

Ayes, 45.

Aschenbrenner	Bennett	Chrystal	Frailey
Baldwin	Booth	Coykendall	Geske
Beardsley	Byers	Doze	Harrington
Beatty	Calhoun	Elthon	Hicklin

Hill	McArthur	Patterson	Stevens of
Hopkins	Meyer	Pendray	Wapello
Husb	Miller of	Ritchie	Topping
Husted	Buchanan	Roelofs	Tripp
Irwin	Miller of Jones	Shangle	Valentine
Kimberly	Moore	Stanley	Wenner
Klemme	Mullaney	Stevens of	Wilson
Knudson	Nelson	Decatur	
Leo			

Nays, none.

Absent or not voting, 5.

Anderson	Fisch	Reese	Schmidt
Carden			

The report of the conference committee on Joint Resolution No. 2 was adopted.

On request of Senator Harrington unanimous consent was granted to message the report to the House immediately.

On request of Senator Stevens of Wapello unanimous consent was granted to return to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 51, by Senator Stevens of Wapello, a bill for an act to amend sections forty-eight hundred seventy-five (4875), forty-nine hundred (4900), forty-nine hundred one (4901), forty-nine hundred five (4905), forty-nine hundred twenty-four (4924), forty-nine hundred twenty-nine (4929), forty-nine hundred thirty-three (4933), and forty-nine hundred thirty-six (4936), Code, 1931, as amended by chapter seventy-six (76), Acts Forty-fifth (45th) General Assembly, relating to the collection of motor vehicle license fees; also to repeal section seven (7) of chapter seventy-six (76), Acts of the Forty-fifth (45th) General Assembly, relating to said fees.

Read first and second times and referred to committee on motor vehicles.

Senate File No. 52, by Senator Harrington, a bill for an act relating to interstate bridges, granting to the state highway commission authority with respect thereto, and authorizing counties, townships, cities and towns of this state, including cities acting under special charter, to aid in the payment of the cost of the construction, acquisition and maintenance of such bridges and to levy taxes and issue bonds therefor.

Read first and second times and referred to committee on highways.

REPORT OF COMMITTEE

Senator Wilson submitted the following report:

MR. PRESIDENT: Your committee on cities and towns to which was referred House File No. 38, a bill for an act to amend chapter three hundred twenty-six (326), Code, 1931, and provide for the purchase of property by cities under the commission form of government, and to erect buildings thereon for police stations and/or jails, and to erect such buildings on property owned by such city and to provide for taxes to pay therefor, and to anticipate such taxes by issuing bonds to which chapter three hundred twenty (320), Code 1931, shall be applicable, begs leave to report it has had the same under consideration and recommends the same do pass.

GEORGE A. WILSON, *Chairman.*

Ordered passed on file.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the conference report on Senate Joint Resolution No. 2, fixing the compensation of the officers and employees of the forty-fifth General Assembly in extraordinary session.

VIRGIL LEKIN, *Chief Clerk.*

The journals of November 6, 7, 8, 9, 13 and 14 were corrected and approved.

On request of Senator Frailey, unanimous consent was granted to have printed in the journal, the report of the Iowa Commission to Study Liquor Control Legislation.

IOWA COMMISSION TO STUDY LIQUOR
CONTROL LEGISLATION

THE STATE CAPITOL BUILDING
DES MOINES

LETTER OF TRANSMITTAL

November 1, 1933.

THE HONORABLE CLYDE L. HERRING,
Governor of Iowa.

Sir.

I have the honor to transmit herewith the report and recommendations of your commission for the study of liquor control.

The Commission has conducted its deliberations in accordance with your suggestions, that a plan for liquor control for this state must, if it is to be accepted, represent a real forward step in the promotion of temperance.

The rule that true temperance must be promoted has been the yard-

stick by which all proposals and all existing methods of control, has been measured by your Commission. It is believed that a liquor control code based upon the recommendations herewith submitted, will more satisfactorily control traffic in liquor than any laws heretofore enacted in this state.

The commissioners desire that I advise you that they stand ready during the forthcoming special session of the General Assembly to assist in any way possible with the enactment of suitable liquor control legislation.

Sincerely yours,

W. H. MILLHAEM,
Secretary.

STATE OF IOWA
REPORT MADE TO HIS EXCELLENCY, THE GOVERNOR, BY A
SPECIAL COMMISSION APPOINTED BY HIM TO STUDY
AND RECOMMEND LIQUOR CONTROL
LEGISLATION FOR IOWA

November 1, 1933

THE HONORABLE CLYDE L. HERRING,
Governor of Iowa.

Sir:

The commission appointed by you to consider the problem with which the government of this state will be faced when the 18th Amendment to the Constitution of the United States has been repealed, and to recommend to you and the Iowa legislature, provisions and regulations for the conduct of traffic in alcoholic beverages, begs to submit the following unanimous report, with the appended minority comment by Commissioners Stoddard Lane and E. G. Moon:

Your commission, in dealing with the problem at hand, deemed it advisable to ascertain to the best of its ability the progress that has been made in the handling of liquors through various forms of legislation, not only in the United States, but in foreign nations.

Consequently, these recommendations are not entirely original but have been gleaned from statutory provisions enacted by governments throughout the world.

Our first consideration has been an earnest and ardent desire to suggest legislation that would promote temperance in Iowa.

With the earlier examples in mind of the breakdown of state prohibition in Iowa, and the post-war breakdown of federal prohibition, your commission believes that absolute prohibition of traffic in alcoholic beverages in Iowa will not promote temperance.

We feel satisfied that the citizens of Iowa desire a change in the laws governing the manufacture and sale of liquor. We base our opinion, first, on the results of a referendum in 1917 when a majority voted against a proposed amendment to the state constitution, and, second, on the results of the vote in a special election in 1933 when a majority voted for repeal of the 18th Amendment to the Constitution of the United States.

Whether or not prohibition is the eventual solution of the liquor problem, the fact remains that it has largely lost the support of public

opinion. Prohibition cannot, in our opinion, have any measure of success without the overwhelming backing of public sentiment.

Therefore, it seems to your commission that the only alternative is between less control and more control. We believe it to be in the interests of the public good to devise the best method of control which experience and wisdom can suggest.

Your commission is under no illusions as to the difficulty of the undertaking. We are convinced that this whole problem is primarily one of education and that to any system of legislative control must be added a program of intensive education.

In preparing a plan and recommendations, your commission has been influenced by the following principles:

First—One of the greatest obstacles to the success of any liquor control plan is the lust of those engaged in the traffic for gain. Our aim has been to eliminate private profit as far as possible.

Second—In company with what we believe to be a preponderate majority of the people of Iowa, we consider the saloon as it was known before prohibition an undesirable adjunct to any community, and we are opposed to any solution or attempted solution of the liquor problem that would bring it back into existence, with its well known attendant evils either under the name of saloon or under any other name.

Third—There is a difference between the inherent harmfulness of various kinds of alcoholic beverages. This difference should be utilized to lessen the evils of the traffic by subjecting each class to a degree of control proportionate to its alcoholic content.

Fourth—Because of the inherent evils to some persons in the use of alcoholic beverages, they cannot be classed with the usual and everyday commodities of trade and commerce. Some restrictions and many regulations are necessary to lessen the evils of said alcoholic beverages while admitting the necessity of allowing some traffic in the same.

Fifth—We recognize the fact that a large majority of our fellow citizens desire to exercise the freedom of choice as to whether they will use or abstain from alcoholic beverages on the ground that indulgence in such beverages is a matter for the individual to decide. We also recognize the fact that an appreciable number of people are unable to exercise the necessary self-restraint to save themselves from over-indulgence, especially if exposed to undue temptations.

Sixth—The futility of any law that does not meet the reasonable requirements of the public for alcoholic beverages has been repeatedly demonstrated. Conversely, however, the necessity of an effective liquor law should appeal to the judgment of a substantial majority if such a law be reasonable in its provisions, not unduly oppressive, and adequate to supply the public with what it wants.

Governed by these principles, your commission respectfully submits the following recommendations for liquor control legislation.

I. REPEAL OF PRESENT PROHIBITION.

As a first step, your commission recommends the repeal of all liquor statutes of Iowa which conflict with the commission's suggestions for liquor control.

II. ABSOLUTE CONTROL OF THE TRAFFIC IN ALCOHOLIC BEVERAGES THROUGH A LIQUOR CONTROL COMMISSION.

In order that the liquor traffic may be kept under effective control and nonpartisan, your commission recommends that administration of any liquor control bill enacted be vested in a commission to be known as the Iowa Liquor Control Commission, composed of five members, appointed for terms of six years, the appointments to be rotated so that at all times a majority of the members of the commission are qualified to carry on continuing policies of administration that will further the public interest.

The members of the commission should be appointed by the governor and appointments should be confirmed by the senate. Their salaries should be thirty-six hundred (\$3600.) dollars per annum, and they should be paid necessary traveling expenses. In appointing the first commission, the governor should appoint one member for a term of two years, two members for terms of four years, and two members for terms of six years. Not more than three members of said commission should be affiliated with any one political party.

The governor should have authority to fill any vacancy for an unexpired term but the appointment should be confirmed by the senate at the next legislative assembly following the appointment. Any member of the commission should be eligible to succeed himself.

The commission should be empowered to engage a liquor control administrator to actively administer the law. The salary of the administrator should be not less than seventy-five hundred dollars (\$7500.) per year and not more than ten thousand dollars (\$10,000.) per year.

The commission should be invested with broad discretionary powers in the administration of the liquor control act, which should be enforced through the liquor control administrator. It should be allowed to engage such other necessary helps as in its opinion may be necessary to conduct its affairs. The liquor control administrator, with the consent of the commissioners, should have authority to employ a deputy administrator, police and inspection chiefs and such other necessary personnel as may be deemed essential to carry out the powers delegated to him.

The commissioners, the administrator and such other employees as the commission designates should be bonded.

No member or employee of the commission, directly or indirectly, individually or as a member of a partnership or as a shareholder in a corporation, should have any interest whatsoever in dealing in, or in the manufacture of alcoholic liquors, nor receive any kind of profit whatsoever, nor have any interest whatsoever in the purchases or sales by the persons authorized to purchase or sell alcoholic liquor, except that no provisions should prevent any such commissioner or employee from purchasing and keeping in his possession, for the personal use of himself, or his family or guests, any liquors which may be purchased.

In order to divorce the liquor control commission and its employees from politics and to prevent a change of administration from hampering the efficiency of the commission, statutory provisions should be enacted providing that no employee could be changed without cause.

III. DISTRIBUTION OF ALCOHOLIC BEVERAGES.

In our investigations we have found that the experience of every country supports the idea that beer does not constitute a serious social problem. Your commission, however, is firmly of the opinion that the best solution of the problem of high content alcoholic beverages is through an absolute monopoly of sale by the state.

While it is true that some states have recently enacted legislation to take effect when repeal is ratified, following the licensing method of control, we are opposed to such a method of distribution because it retains a fundamental flaw, the private profit motive which makes inevitable the effort to increase sales.

By a state liquor monopoly we mean the adoption of a system of liquor distribution under which the state takes over as an exclusive privilege the sale of high content alcoholic beverages in state liquor stores for consumption off the premises of sale.

Such a system should be organized and directed by the Iowa Liquor Control Commission through the liquor control administrator. The commission should be charged with the task of establishing state owned stores for the sale by original package only of all alcoholic beverages, except beer, with the further provision that the privilege of consumption on certain premises should be granted by special licenses as hereinafter provided.

We do not feel that the state could successfully engage in the manufacture of liquor because of the magnitude of such operation, and the added fact that the state might not be able to compete with distilleries of famous brands in fair competition. For that reason, we suggest that the commission be vested with plenary powers to license, inspect and control manufacture of all liquors, except beer, within the boundaries of the state and to revoke such licenses for cause.

The liquor commission, however, should have the exclusive authority to blend, import and sell liquors and regulate the entire liquor industry in the state.

It should have the authority to rent, lease, or purchase real estate, and other facilities as may be required.

The commission should also have the right to fix prices on its merchandise, to regulate prices on liquors sold through the special licenses and to change prices at will. At all times quality should be kept high enough, and prices should be kept low enough to prevent competition of illicit vendors.

It should also have power to hold hearings on matters in dispute including the authority to subpoena witnesses and records and to make binding decisions.

The wisdom of conferring broad powers on the commission is substantiated by the fact that most of the control systems now in effect in foreign nations and that several of the acts passed by the states of the United States to take effect upon the repeal of the 18th Amendment, provide for government monopolies of sale.

A. A SECOND PLAN FOR DISTRIBUTION.

Your commission is aware of the possible constitutional obstacles as to state monopoly on liquor sales.

However, it is our opinion that a bill can be drawn which will meet the requirements of our constitution. Should the legislature determine that our plan is incompatible with the constitutional laws of this state, then we recommend the establishment of one or more state controlled holding corporations, with subsidiary corporations to act as the selling agents only of the commission.

Under such a plan, private capital would be allowed to invest in the stock of such corporations but the dividends should be limited to six per cent on the capital stock invested. Such profits should be divided as follows: The first three per cent should go to the stockholders, the next three per cent to the state, the next three per cent to the stockholders, and all in excess of nine per cent should accrue to the state.

In order that the state might maintain control of the corporations, provisions should be enacted delegating the five commissioners to the board of directors of the holding corporations. Five more directors should be elected by the private stockholders, and the eleventh director should be nominated by the governor with the consent of the other ten directors.

Subsidiary corporations may be set up in cities and towns at the discretion of the liquor commission to operate stores.

In such cases, the holding corporation should retain control of fifty per cent of the stock and the other fifty per cent should be sold in the community in which the store is located.

There should be three directors of the subsidiary, one named by the commission, one by the stockholders of the community, and one by these two directors.

This plan of distribution is predicated on local option as outlined hereafter and does not surrender any of the commission's regulatory rights.

Should it become necessary to adopt this method of distribution, your commission suggests that it be temporary and that the legislature at once pass the necessary acts to bring about the amendment of our state constitution to allow the state to assume an absolute monopoly of sale.

We therefore urge the legislature to enact into its bill, provisions for the liquor commission to option all stock sold in said corporations so that it might take up said stock in the future at the original purchase price.

IV. REGULATION OF SALES OF ALCOHOLIC BEVERAGES.

A. Intoxicating Liquors—The exclusive right of the Iowa Liquor Commission to sell alcoholic beverages should be protected by legislation forbidding any sale whatsoever of alcohol, or any spirits, wine or other alcoholic liquors, with the exception of beer, except by the commission. The exception to this rule should be through certain licenses outlined hereinafter.

Manufacturers of liquors, except beer, being licensed for operation in

the state could sell to the commission. They would not, however, be allowed to sell to any individual or corporation within the state.

B. Individual Permits—At the commission dispensaries, individuals should be allowed to purchase liquors providing they possess permits to do so. Individual permits should be issued by the clerk of the district court in each of the counties of the state; issuance of permits should be mandatory to the county.

The fee for such permit should be one dollar per year. The permit should be good for one year or unfinished part of the current permit year. All permits should terminate July 1st of each year. This fee should be divided equally between the county and the liquor commission fund. The commission or any district judge or municipal judge should be given authority to revoke any individual permit, but such decision should be subject to final review by the commission. Drunkenness or simulation of drunkenness should be sufficient cause for revocation of an individual permit.

The liquor commission should determine the necessary information that should be given to qualify one for a permit to purchase, except that no permit should be granted to any person under the age of twenty-one (21) years. On the permit should be recorded the amount and date of each purchase. This information should also be kept in the records of each state dispensary at which the permit holder presents his permit. The commission should have the authority to revoke the permit when, in its opinion, the privilege to purchase is abused.

C. Local Option—Your commission is of the firm belief and conviction that the principle of local option should prevail as to the establishment of any liquor stores or the issuance of special licenses. Liquor stores shall be established or special licenses issued only in cities and incorporated towns. Any city or incorporated town may seek the establishment of a state liquor store within its limits. On the filing with the city or town clerk of such city or incorporated town, of a petition signed by a number of voters equivalent to twenty per cent of the votes cast at the last general election, an election shall be ordered and a majority vote will entitle said city or incorporated town to the establishment of a state liquor store and the issuance of special permits at the discretion of the liquor commission. No second election on the establishment or abolishment of liquor stores should be held within less than two years after the preceding election, and all elections after the first election should be held at a general election and only on petition signed by a number of voters equivalent to thirty per cent of the votes cast at the preceding general election. No state liquor store should be established or special licenses issued in any city or incorporated town except upon a majority vote in such city or incorporated town. Nor should any state liquor store be established or special licenses issued outside any city or incorporated town.

The commission should have the power to fix the number of stores or special licenses in any city or town or in its discretion to refuse to

establish any such store or grant any such special license, notwithstanding a local option vote therein favorable thereto.

D. Liquor Consumed on Premises—The commission believes that hotels, restaurants, clubs, steamboats and dining-cars should be allowed some privilege of dispensing beverages of light alcoholic content with meals through special licenses. No sale of liquor with a higher alcoholic content than that obtained through natural fermentation should be sold under these licenses.

The liquor commission should issue and supervise such special licenses. The hours during which such alcoholic beverages could be served with meals should be limited by the commission, except that the commission might issue temporary permits for the consumption of light content alcoholic beverages on the premises for banquets and social affairs. In all such temporary permits, however, the commission should specify the amount of liquor to be so sold and consumed.

The commission should have the right to designate what hotels, restaurants and clubs shall be allowed to sell alcoholic liquors for consumption with meals. A "hotel" should mean every building or other structure, kept, used, maintained, advertised and held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests in which rooms are used for sleeping accommodations for such transient guests and having one or more dining rooms being connected in the same building or buildings in connection therewith and such building or buildings, structure or structures, being provided in the judgment of the commission, with adequate and sanitary dining room equipment and capacity, and having employed therein such number and kinds of servants and employees as the commission may by regulation prescribe for preparing, cooking and serving suitable food for its guests.

The commission should define the word "restaurant" as a space in a suitable building approved by the commission, kept, used, maintained, advertised or held out to the people to be a place where the principal business is the serving of meals without sleeping accommodations, such space being provided, in the judgment of the commission, with adequate and sanitary kitchen and dining-room equipment and capacity or having employed therein such number and kinds of servants and employees as the commission may by regulation prescribe for preparing, cooking and serving suitable food for its guests.

The word "club" should mean an association of persons, whether incorporated or unincorporated, for the promotion of some common object (not including associations organized for any commercial or business purpose the object of which is money profit), owning, hiring, or leasing a building, or space in a building, of such extent and character as in the judgment of the commission may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment, implements and facilities, and employing a sufficient number of servants or employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club

files with the commission annually within ten days of February 1st in each year a list of the names and residences of its members, and similarly files within ten days of the election of any additional member, his name and address, and that its aggregate annual membership fees or dues and other income, exclusive of any proceeds of the sale of alcoholic liquor, are sufficient to defray the annual rental of its leased or rented premises, or, if such premises are owned by the club, are sufficient to defray the annual rental of its leased or rented premises; or, if such premises are owned by the club, are sufficient to meet the taxes, insurance, repairs, and the interest on any mortgage thereof; and provided, further that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting, and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the disposition or sale of alcoholic liquor to the club or to the members of the club or its guests introduced by members, beyond the amount of such salary as may be fixed and voted at annual meetings by the members or by its directors or other governing body and as reported by the club to the commission, within three months after such annual meeting, and as shall in the judgment of the commission be reasonable and proper compensation for the services of such member, officer, agent or employee.

The words "dining-car" and "steamboat" should be similarly defined.

E. Sales of Intoxicants off the Premises—Aside from the liquors sold under special licenses, previously described, there should be no consumption whatsoever on the premises of sale of any liquor sold in the state of Iowa, except beer.

F. Medicinal Sales—Doctors, dentists, druggists, scientific laboratories, hospitals, soldiers homes, sanitoriums, homes for the aged, and veterinarians should be licensed by the commission to obtain and dispense for medicinal and laboratory purposes only, alcoholic beverages. All such liquors should be obtained from the commission. The amounts sold through these licenses should be rigidly restricted and inspected, and the commission should have power to revoke all such licenses for cause.

G. Holidays and Sundays—There should be no sale of liquors in the state of Iowa on holidays, Sundays or election days.

H. Sacramental Liquors—Ministers, clergymen, rabbis, and priests should be allowed to purchase from the commission sufficient liquors for sacramental purposes through a special permit to be issued by the commission when such sales are consummated.

I. Beer—Your commission believes that no recommendations on the sale of beer under the present law are necessary in this report.

V. REVENUE FROM ALCOHOLIC BEVERAGES.

Your commission does not favor a statutory tax on liquor sales in Iowa. A tax could only be changed by legislative action. In order to prevent illicit sales, we believe the Iowa Liquor Commission should be

unhampered in keeping prices of liquor in Iowa on a level with prices in surrounding states.

In addition to such revenue as the state receives from the sale of individual permits, the entire profits from the sale of liquor by the commission should accrue to the state. If the controlled corporations plan is enacted, the state would share the profits of the corporation as previously outlined.

All revenue over and above operating and educational expenses derived by the state should be paid into the general fund of the state treasurer to be used as a replacement tax on real estate.

VI. TEMPERANCE EDUCATION.

A board of research, statistics, and temperance education should be appointed and maintained by the commission out of the profits accrued from the sale of liquor or other sources.

The board of research and education should prepare an annual report and financial statement, including actual figures revealing the total amount of liquor sold during the year, the increase or decrease in liquor sales, arrests for drunkenness, and any other information that might enable the people to judge the effect of liquor control.

The board should conduct temperance education based on the latest scientific findings as to the effect of alcohol on the human body. The subject should also be dealt with on the historical, economic and moral sides.

This temperance information should be supplied to and taught by the public schools, state colleges, universities and other educational institutions.

This information should be provided gratuitously to colleges and other institutions not owned by the state. It should also be disseminated through all agencies available.

VII. CONCLUSIONS.

No attempt has been made in this report to analyze or state in detail all of the provisions the Iowa liquor control act should contain. Only what seemed to the commission to constitute its most important phases have been mentioned.

If the legislature should see fit to adopt the plans suggested by this commission, or any similar plan of liquor control, this commission takes the liberty of suggesting that fundamentals be emphasized in what ever statute is adopted and that as many details and technicalities as possible be omitted therefrom; and that in the interest of effective enforcement plenary powers be delegated to the liquor control commission to adopt working regulations to meet emergencies as such emergencies arise, and to accommodate itself to changing conditions and varying situations.

The commission urges that a bill be drawn, containing the major features which we have outlined herein, for submission to the special

session of the Iowa legislature. We suggest that the president of the senate and the speaker of the house appoint a joint committee to prepare such a bill.

Respectfully submitted,
(Signed) MAT A. TINLEY, *Chairman*
JOE R. FRAILEY
RICHARD R. LANE
O. R. LATHAM
BERNARD MANLEY
E. G. MOON
STODDARD LANE
W. R. LEE
JOHN W. CAREY

W. H. MILLHAEM, *Secretary.*

MINORITY REPORT BY COMMISSIONER STODDARD LANE

TO HIS EXCELLENCY, THE GOVERNOR OF IOWA:

I am sorry to make a minority report. I agree with my fellow-commissioners in so much of their point of view that I would like to go all the way with them. I want to say that it has been a privilege to work with these men. I have found them to be open-minded to a remarkable degree and sincerely desirous of finding the best solution possible of this exceedingly knotty problem. They have not always agreed with me but they have been very tolerant and willing to listen to another point of view.

I feel that on the whole the plan suggested by the commission is one of high merit. I think it ought to go a long way toward mitigating many of the evils of the liquor traffic and setting up a form of social control that will be reasonably effective. I hope that it will tend to eliminate the private profit motive, reduce the demand for liquor, prevent the return of the saloon, curb the power of the liquor interests, make illicit sale of liquor unprofitable, encourage temperance, promote a sane program of education and change the psychology of the situation in favor of law observance and self-control. I think that this plan is the best state plan that I have seen and I feel confident that it will have widespread support throughout the state.

I do feel, however, that there is one serious omission and I would not be true to my own convictions if I did not state it. There is no provision in the plan against the advertising of hard liquors. It is my firm conviction that all advertising of such liquor should be strictly prohibited. Many of our newspapers will not accept it anyway and I feel that none should be permitted to accept it. It will be impossible to prevent the advertising that will come to us in national magazines and through national broadcasts. But the amount of such advertising can be materially reduced by prohibiting it in all state publications and over all radio stations in Iowa. The same ban should be put on billboard and all other forms of advertising.

As I see it, this is the only procedure that is consistent with our purpose. We want to reduce the demand for liquor. We want to lessen the

consumption of liquor. Therefore we want to eliminate all stimulation of demand, all encouragement to increased consumption.

Now there is only one reason for advertising. The aim of advertising is to increase sales—to increase demand—to increase private profit. And so, advertising is directly opposed to the main purpose of the liquor control plan. It will stimulate the very thing which we say we do not want stimulated.

I therefore contend that the only logical position to take is to eradicate all advertising of hard liquor. To my mind this is vitally essential to the success of the plan. Here is a great chance to prove the genuineness of our purpose and to make a real contribution toward the end in view.

I hope that your excellency will give this important point most careful consideration and that the legislature will include it in the liquor control act which is to be formulated.

Respectfully submitted,

(Signed) STODDARD LANE.

MINORITY REPORT BY E. G. MOON.

TO HIS EXCELLENCY, THE GOVERNOR OF IOWA:

It is my understanding that the sole purpose of advertising is to increase a demand for the product advertised. The purpose of the legislation which we are advising is wholly out of harmony with the purpose which the advertiser has in view. The commission has no desire to encourage or increase demand for liquor but rather hopes that the demand will decrease as time goes on. I therefore concur in the suggestion made by Commissioner Stoddard Lane.

Respectfully submitted,

(Signed) E. G. MOON.

On motion of Senator Hush, the Senate adjourned until 10:00 a. m. Thursday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, NOVEMBER 16, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Simon Fred Wenger, pastor of First Presbyterian Church of Crawfordsville.

THIRD READING OF BILLS

On motion of Senator Byers House File No. 38, a bill for an act to amend chapter three hundred twenty-six (326), Code 1931, and provide for the purchase of property by cities under the commission form of government, and to erect buildings thereon for police stations and/or jails, and to erect such buildings on property owned by such city and to provide for taxes to pay therefor, and to anticipate such taxes by issuing bonds to which chapter three hundred twenty (320), Code 1931, shall be applicable, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Byers moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 39.

Aschenbrenner	Elthon	McArthur	Roelofs
Baldwin	Geske	Meyer	Schmidt
Beatty	Hill	Miller of	Shangle
Bennett	Hopkins	Buchanan	Stanley
Booth	Hush	Miller of Jones	Stevens of
Byers	Husted	Moore	Decatur
Calhoun	Irwin	Mullaney	Tripp
Carden	Klemme	Nelson	Valentine
Chrystal	Knudson	Pendray	Wenner
Coykendall	Leo	Reese	Wilson
Doze			

Nays, none.

Absent or not voting, 11.

Anderson	Frailey	Kimberly	Stevens of
Beardsley	Harrington	Patterson	Wapello
Fisch	Hicklin	Ritchie	Topping

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Byers moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

On request of Senator Byers unanimous consent was granted to withdraw Senate File No. 34, a companion bill to House File No. 38 as passed by the Senate.

On request of Senator Byers, unanimous consent was granted to message House File No. 38 to the House immediately.

Senator Valentine asked unanimous consent to make Senate File Nos. 49 and 50 special order for 10:45 a. m. tomorrow.

Objection was raised to making it special order.

On request of Senator Valentine unanimous consent was granted to defer action on Senate Files Nos. 49 and 50, such bills to retain their places on the calendar.

REPORT OF COMMITTEE ON COMMITTEE ROOMS

November 15, 1933.

MR. PRESIDENT: Your committee on assignment of committee rooms begs leave to submit the following report:

Aircraft Transportation and Railroads—Any time; Press Gallery.

Agriculture—Lieutenant Governor's Room; Mon. 4 p. m., Thurs. 4 p. m.

Appropriations—Lieutenant Governor's Room; Tues. 3 p. m.; Thurs. 2 p. m.

Banks and Banking—Room 23; Mon. 4 p. m.; Wed. 3 p. m.

Board of Control—Room 28; Mon. 3 p. m.

Cities and Towns—Lieutenant Governor's Room; Mon. 2:30 p. m.; Wed. 4 p. m.

Claims—Room 28; Wed. 4 p. m.; Fri. 1:30 p. m.

Conservation—Room 28; Tues. 4 p. m.

County and Township Affairs—Room 28; Mon. 1:30 p. m.

Constitutional Amendments—Room 23; Mon. 3 p. m.

Departmental Affairs—Room 28; Wed. 1:30 p. m.

Drainage—Room 22; Wed. 3 p. m.

Elections—Room 22; Mon. 1:30 p. m.

Educational Institutions—Room 23; Tues. 4 p. m.; Fri. 4 p. m.

Emergency Legislation—Lieutenant Governor's Room; Mon. 2 p. m.; Wed. 2 p. m.

Enrolled Bills—Room 26.

Fish and Game—Room 22; Mon. 2 p. m.; Wed. 2 p. m.

Highways—Lieutenant Governor's Room; Wed. 3 p. m.; Fri. 3 p. m.

Insurance—Room 22; Mon. 3 p. m.; Thurs. 3 p. m.

Judiciary No. 1—Lieutenant Governor's Room; Mon. 1 p. m.; Fri. 1 p. m.

Judiciary No. 2—Room 23; Mon. 1 p. m.; Wed. 1 p. m.; Fri. 1 p. m.

Labor—Room 22; Tues. 2 p. m.

Liquor Control—Room 22; Tues. 2 p. m.; Thurs. 2 p. m.

Manufacturing, Commerce and Trade—Room 23; Tues. 2 p. m.; Fri. 2 p. m.

Military Affairs—Room 22; Wed. 4 p. m.

Mines and Mining—Room 22; Tues. 4 p. m.; Fri. 2 p. m.

Motor Vehicles—Lieutenant Governor's Room; Tues. 1:30 p. m.; Thurs. 3 p. m.

Political and Judicial Districts—Room 22; Tues. 3 p. m.; Fri. 3 p. m.

Public Health—Room 22; Mon. 3:30 p. m.; Thurs. 3:30 p. m.

Public Schools—Room 23; Mon. 1:30 p. m.; Wed. 1:30 p. m.

Printing—Room 28; Fri. 4 p. m.

Public Utilities—Room 23; Wed. 3:30 p. m.; Thurs. 3:30 p. m.

Reduction of Public Expenditures—Room 28; Mon. 2:30 p. m.; Thurs. 4 p. m.

Retrenchment and Reform—Room 23 (any time).

Rules—Press Gallery (any time).

Tax Revision and Reorganization—Lieutenant Governor's Room; Mon. 1:30 p. m.; Wed. 1:30 p. m.; Fri. 1:30 p. m.

Ways and Means—Lieutenant Governor's Room; Mon. 3 p. m.; Thurs. 1 p. m.

EDW. J. WENNER.

L. T. SHANGLE.

ROY E. STEVENS.

By unanimous consent on request of Senator Wenner the rules were suspended and the report taken up and considered.

The report was adopted.

On motion of Senator Mullaney the Senate recessed until 1:15 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel, President N. G. Kraschel presiding.

By unanimous consent on request of Senator McArthur, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 53, by Senator McArthur, a bill for an act to repeal chapter one hundred thirty-eight (138), title IX of the Code of 1931, relating to farm aid associations and to enact a substitute therefor relating to educational work for improving and advancing agriculture, home economics, and junior extension work in rural communities, and rural adult education in each county; and to provide county appropriation for conducting such educational work.

Read first and second times and referred to committee on agriculture.

Senate File No. 54, by Senator Frailey, a bill for an act to amend Chapter Thirty Seven (37) of the Laws of the Forty Fifth General Assembly, relating to non-intoxicating liquors, beer, and other malt liquors.

Read first and second times and referred to committee on judiciary No. 1.

Senate File No. 55, by Senator Harrington, a bill for an act to regulate packing plants, slaughtering houses and concentration points operating in this State, to put them under the supervision and control of the Secretary of Agriculture, to provide for the weighing, grading, feeding, watering and docking of such livestock and for official weighers and graders thereof, to authorize the appointment of a licensed veterinarian to superintend the operation of packing plants, slaughtering houses and concentration points, to prohibit the purchase or other acquisition of livestock for slaughter except as herein provided, and to provide penalties for violations thereof.

Read first and second times and referred to committee on agriculture.

Senate File No. 56, by Senator Miller of Jones, a bill for an act to amend the law as it appears in Section eighty-nine hundred twelve (8912) Code, 1931, relating to and regulating the advancement of funds to Mutual Insurance Companies other than life, so as to authorize such insurance companies to establish a guaranty fund, and to provide for the establishment, regulation and administration of such fund.

Read first and second times and referred to committee on insurance.

Senate File No. 57, by Senator Hill, a bill for an act to amend the law as it appears in chapter three hundred thirty-two (332), Code, 1931, relating to assessment of moneys and credits and providing for abatement or return of such assessment under certain conditions.

Read first and second times and referred to committee on ways and means.

COPIES OF SENATE FILE NOS. 49 AND 50 ORDERED

By unanimous consent, on request of Senator Valentine, 2400 extra copies were ordered printed of Senate Files Nos. 49 and 50.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption.

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled Senate Joint Resolution No. 2.

HOMER HUSH, *Chairman Senate Committee.*
J. W. FRIZZELL, *Member of House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The president of the Senate announced that, as president of the Senate, he had signed in the presence of the Senate, Senate Joint Resolution No. 2.

BILLS SENT TO THE GOVERNOR

Senator Hush, from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 16th day of November, 1933, sent to the governor for his approval, Senate Joint Resolution No. 2.

HOMER HUSH, *Chairman.*

Passed on file.

SENATE FILE NO. 28 REFERRED

The president ordered Senate File No. 28, introduced on November 14th, to be referred to the committee on judiciary No. 1.

The journal of November 15th was corrected and approved.

On motion of Senator Hopkins the Senate adjourned until 10:00 a. m. Friday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, NOVEMBER 17, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Edwin L. Spiller, pastor of the Simpson M. E. Church of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Opposing change of the prohibition law. Senator Elthon from W. C. T. U. of Rake. Senator Bennett from citizens of Woodbine. Liquor control.

INTRODUCTION OF BILLS

Senate File No. 58, by Senators Hicklin, Nelson, Roelofs and Chrystal, a bill for an act to define, license, supervise, and regulate the business of making loans in the amount or of the value of three hundred dollars (\$300) or less at a greater rate of interest or charge than the lender would be permitted by law to charge if not licensed hereunder; to prescribe maximum rates of interest or charges therefor and methods of determining the same from time to time; to provide for the classification of such loans for the purposes of this act; to enlarge the powers of the superintendent of banking and the state banking board; to regulate assignments of wages or salaries when given as security for any such loan or as consideration for a payment of three hundred dollars (\$300) or less; to provide penalties; to repeal chapter four hundred nineteen (419) of the code, 1931, and to enact a substitute therefor; and to repeal all acts and parts of acts, whether general, special, or local, which relate to the same subject matter as this act, in so far as they are inconsistent with this act.

Read first and second times and referred to committee on banks and banking.

Senate File No. 59, by Senator Booth, a bill for an act to make permanent the temporary transfer, made October 20, 1933, of money from the secondary road maintenance fund to the poor fund of Cass County, Iowa.

Read first and second times and referred to committee on judiciary No. 2.

Senate File No. 60, by Senator Miller of Buchanan, a bill for an act requiring the debt named in a mortgage upon real estate to be certain and specific in amount.

Read first and second times and referred to committee on emergency legislation.

Senate File No. 61, by Senator Miller of Buchanan, a bill for an act to amend section sixteen hundred fifty-six (1656) of the code, 1931, relating to exemptions of members of Fire Companies from poll tax, and from serving as jurors.

Read first and second times and referred to committee on ways and means.

Senate File No. 62, by Senator Chrystal, a bill for an act to legalize the proceedings relating to an election held in the Town of Grand Junction, Greene County, Iowa, on the proposition of establishing a municipal electric light plant within said town; and to legalize the proceedings taken by the council of said town in letting a contract for the construction of said municipal electric light plant, under Sections 6134-d1 to 6134-d7, inclusive, of the Code of Iowa; and to legalize the contract entered into between said Town of Grand Junction, Iowa, and Fairbanks, Morse & Company for the construction of said municipal electric light plant, and the issuance of pledge-orders in payment thereof; and declaring said contract, and the pledge-orders issued thereunder, as valid.

Read first and second times and referred to committee on cities and towns.

Senate File No. 63, by Senator Miller of Buchanan, a bill for an act to amend sections four hundred eighty-four (484) and four hundred ninety-two (492) of the code, 1931, relating to memorial buildings and monuments, petitions and qualifications, and method of appointing commissioners.

Read first and second times and referred to committee on county and township affairs.

Senate File No. 64, by Senator Mullaney, a bill for an act to make an appropriation to Thomas Byrnes.

Read first and second times and referred to committee on claims.

Senate File No. 65, by Senator Topping, a bill for an act to amend Section Six Thousand Six Hundred Six (6606), code, 1931, relating to the power to establish Armory.

Read first and second times and referred to committee on military affairs.

Senate File No. 66, by Senators Valentine, Beatty, Beardsley, Shangle, Aschenbrenner, Reese, Stevens of Wapello, Stevens of Decatur, Wilson, Nelson, Calhoun, Doze and Coykendall, a bill for an act to amend section eleven hundred, seventy one-b1 (1171-b1) of the code, 1931, relating to preference for coal and other domestic products, materials, supplies, provisions and other articles, and providing for the purchase and use thereof by the state and certain municipal corporations or political subdivisions thereof, and providing penalties for failing to give such preference in the purchase and use of domestic coal for fuel; and to repeal section eleven hundred, seventy one-b2 (1171-b2) of the code, 1931, and to enact a substitute therefor, relating to advertising for bids and proposals for materials, coal and other domestic products, supplies, provisions, and other articles to be purchased at public expense, and relating to the rejection and acceptance of bids for domestic coal for fuel, and providing for contract and bond on acceptance of any such bids for coal for fuel.

Read first and second times and referred to committee on mines and mining.

Senate File No. 67, by Senator Bennett, a bill for an act to amend section seventy-two hundred fourteen (7214), Code, 1931, as amended by chapter one hundred thirty-two (132), Acts Forty-fifth (45th) General Assembly, relating to interest on delinquent taxes.

Read first and second times and referred to committee on ways and means.

By unanimous consent on request of Senator Irwin action was deferred on Calendars 1 and 2, Senate Files 49 and 50, such bills to retain their places on the calendar.

COPIES OF SENATE FILE NO. 53 ORDERED

By unanimous consent on request of Senator McArthur 1800 extra copies of Senate File No. 53 were ordered printed.

Senator Coykendall moved that when the Senate adjourns it be to reconvene at 11:00 a. m., Monday.

The Senate recessed until the fall of the gavel.

The Senate reconvened at the fall of the gavel.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, House File No. 38.

HOMER HUSH, *Chairman Senate Committee.*
WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The president of the Senate announced that, as president of the Senate, he had signed in the presence of the Senate, House File No. 38.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 87, a bill for an act relating to assessments and double liability upon capital stock and liabilities of stockholders of banks and trust companies.

Also, that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 6, a bill for an act relating to remission of taxes in case of loss.

Also, that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 26, a bill for an act relating to expenses of printing legalizing acts.

Also, that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 27, a bill for an act relative to the rules of parliamentary practice in use by the General Assembly.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE MESSAGES CONSIDERED

House File No. 6, a bill for an act to amend section seven thousand two hundred thirty-seven (7237), Code 1931, relating to remission of taxes in case of loss.

Read first and second times and referred to committee on banks and banking.

House File No. 87, a bill for an act deemed necessary for the public good, and relating to the rights, powers, privileges, duties and liabilities of corporations now or hereafter organized as a state or savings bank, or trust company, and the stockholders thereof; and to authorize and provide a method for amending the articles of incorporation of any such corporation, and for the increase or reduction of the capital stock of any such corporation, and to authorize the issuance of one or more classes of preferred stock by any such corporation; and to limit the scope and effect of Section 9246, 9247, 9248, 9248-a1, 9251, 9252 and 9253, Code of Iowa, 1931, relating to assessments and double liability and the imposition and enforcement of assessments upon capital stock and liabilities of stockholders of such corporations and providing rules of construction in event of conflict or unconstitutionality of a part of the Act.

Read first and second times.

By unanimous consent on request of Senator Geske, House File No. 87 as passed by the House was substituted for Senate File No. 49 on the calendar.

The Journal of November 16th was corrected and approved.

AMENDMENT FILED

MR. PRESIDENT: I move to amend Senate File No. 50 by striking all of Sections one (1), two (2), and three (3) and renumbering the following Sections.

HOMER HUSH.

On motion of Senator Wilson the Senate adjourned, the time for reconvening previously having been set for 11:00 a. m., Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, NOVEMBER 20, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. R. L. L. Barnstable, pastor of the Asbury M. E. church of Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Topping for the day, on request of Senator Hicklin; Senator Irwin, until Wednesday, on account of the death of his father, on request of Senator Hopkins.

PETITIONS AND MEMORIALS

- The following petitions were presented and referred to the designated committees:

Opposing tax on fraternal insurance. Senator Wilson from Woman's Benefit Association of Valley Junction. Senator Klemm from Knights of Columbus, Protivin. Senator Miller of Jones from Royal Neighbors of Durant. Insurance.

Requesting words "contracts on small homes" be inserted in the Iowa Debtor Law. Senator Wilson from employees of The Register and Tribune. Banks and banking.

Favoring gross income tax. Senator Wilson from United Brotherhood of Carpenters and Joiners of America, Des Moines. Favoring gross income tax, and also licensing of venders of manufactured merchandise from vehicles. Senator Reese from citizens of Marshalltown. Tax revision and reorganization.

Opposing change of prohibition law. Senator Hush from citizens of Malvern and Silver City. Senator Roelofs from citizens of O'Brien County. Liquor control.

Opposing amendment to Beatty-Bennett bill. Senator Wilson from Des Moines Real Estate Board. Emergency legislation.

Opposing tax on real estate. Senator Wilson from Des Moines Real Estate Board. Tax revision and reorganization.

INTRODUCTION OF BILLS

Senate File No. 68, by Senators Schmidt and Chrytal, a bill for an act to make an appropriation for the use of the State Board of Conservation.

Read first and second times and referred to committee on appropriations.

Senate File No. 69, by Senator Ritchie, a bill for an act to amend chapter four hundred twenty-seven (427), code, 1931, relating to the charges to be paid by the owner of grain at the time of the sealing of his warehouse, changing the fees of the sealer and the fees accruing to the secretary of agriculture, all under the unbonded agricultural warehouse act.

Read first and second times and referred to committee on agriculture.

Senate File No. 70, by Senator Ritchie, a bill for an act to amend chapter one hundred thirty-three (133) of the acts of the forty-fifth general assembly relating to sales of real estate for delinquent taxes.

Read first and second times and referred to committee on agriculture.

Senate File No. 71, by Senator Chrystal, a bill for an act to enable the United States to acquire state lands for National Forests.

Read first and second times and referred to committee on conservation.

Senate File No. 72, by Senator Chrystal, a bill for an act to make an appropriation for the use of the State Board of Conservation.

Read first and second times and referred to committee on appropriations.

Senate File No. 73, by Senator Chrystal, a bill for an act to fix the rate per mile allowed for the use of privately owned auto-

mobiles by non-salaried members of the State Board and Commissions.

Read first and second times and referred to committee on departmental affairs.

Senate File No. 74, by Senator Chrystal a bill for an act to amend sections eighteen hundred twenty-two, a-one (1822-a1), eighteen hundred twenty-two a-two (1822-a2) eighteen hundred twenty-two a-three (1822-a3) of the Code, 1931, relating to the expenditure by cities in aiding in the purchase of land for state parks.

Read first and second times and referred to committee on conservation.

Senate File No. 75, by Senator Chrystal, a bill for an act to amend section thirteen thousand one hundred fourteen (13114), chapter five hundred eighty-three (583), Code, 1931, relative to obstructing natural water courses and public drains.

Read first and second times and referred to committee on conservation.

Senate File No. 76, by Senator Chrystal, a bill for an act to amend sections seventy-seven hundred seventy-five (7775), seventy-seven hundred seventy-six (7776), and seventy-seven hundred seventy-seven (7777) Code, 1931, relating to the collection of permit, license and inspection fees, for the construction maintenance or operation of dams, and the allocation of funds derived therefrom, and the study of the proper methods of construction of such dams.

Read first and second times and referred to committee on conservation.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 28, a bill for an act authorizing the Executive Council of the State of Iowa to sell certain tracts of land for the improvement of its primary highways,

Also, that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 39, a bill for an act pertaining to the posting of ordinances of a general or permanent nature.

Also, that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 56, a bill for an act to provide for a refund on road poll taxes.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE MESSAGES CONSIDERED

House File No. 28, a bill for an act authorizing the Executive Council of the State of Iowa to sell certain tracts, parcels, or pieces of land when the fee title thereto has been acquired by the State of Iowa, in or for the improvement of its primary highways, and to prescribe the procedure in pursuance of which such sales may be made.

Read first and second times and referred to Committee on highways.

House File No. 39, a bill for an act to amend Section fifty-seven hundred twenty (5720), Code, 1931, pertaining to the posting of ordinances of a general or permanent nature.

Read first and second times and referred to committee on cities and towns.

House File No. 56, a bill for an act to provide for a refund on road poll taxes.

Read first and second times and referred to committee on ways and means.

SENATE FILES 46 AND 47 WITHDRAWN

By unanimous consent, on request of Senator Hill, Senate Files 46 and 47, relating to resisting of the execution of process, and to the crime of riot and riotous conduct, were withdrawn.

HOUSE CONCURRENT RESOLUTION NO. 3 CONSIDERED

Senator Anderson called up for consideration House Concurrent Resolution No. 3 as found on page 68 of the Senate journal, and moved its adoption.

Senator Hopkins moved the previous question, which motion prevailed.

The resolution was adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, Senate Files 26 and 27.

HOMER HUSH, *Chairman Senate Committee.*
WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The president of the senate announced that, as president of the senate, he had signed in the presence of the senate, Senate Files 26 and 27.

THIRD READING OF BILLS

On motion of Senator Valentine House File 87, a bill for an act deemed necessary for the public good, and relating to the rights, powers, privileges, duties and liabilities of corporations now or hereafter organized as a state or savings bank, or trust company, and the stockholders thereof; and to authorize and provide a method for amending the articles of incorporation of any such corporation, and for the increase or reduction of the capital stock of any such corporation, and to authorize the issuance of one or more classes of preferred stock by any such corporation; and to limit the scope and effect of Section 9246, 9247, 9248, 9248-a1, 9251, 9252 and 9253, Code of Iowa, 1931, relating to assessments and double liability and the imposition and enforcement of assessments upon capital stock and liabilities of stockholders of such corporations and providing rules of construction in event of conflict or unconstitutionality of a part of the Act, having been substituted for Senate File 49 on the calendar, was taken up and considered.

The bill was read for information.

On motion of Senator Husted the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

Senator Reese moved to recess until 3:00 p. m. today in order

that the Senators attending a public works meeting may be present.

Senator Ritchie asked unanimous consent to suspend the rules and consider Senate File 70.

Senator Reese withdrew his motion to recess.

Senator Ritchie withdrew his request.

Senator Ritchie moved that the rules be suspended, by which a bill is committed to committee, and that Senate File 70 be made a special order for 10:00 a. m. tomorrow.

The motion prevailed.

By unanimous consent on request of Senator Schmidt, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 77, by Senator Schmidt, a bill for an act to amend Sections Eighteen Hundred Twenty-two a One (1822-a1), Eighteen Hundred Twenty-two a Two (1822-a2) and Eighteen Hundred Twenty-two a Three (1822-a3) of the Code of 1931, relating to the expenditure by cities in aiding in the purchase of land for state parks.

Read first and second times and referred to committee on conservation.

Senate File No. 78, by Senator Anderson, a bill for an act to repeal Chapter five hundred ninety-six (596) of the Code, 1931, relating to the "desecration of the Sabbath" and prohibiting the carrying of fire arms, shooting, hunting, dancing, horse racing, and the buying and selling of property; and prohibiting the operation of trains and the operation of automobiles, which said chapter of the Code has never been enforced and has been openly violated in the state.

Read first and second times and referred to committee on Judiciary No. 1.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 20th day of November, 1933, sent to the Governor for his approval, Senate Files 26 and 27. HOMER HUSH, *Chairman*.

Passed on file.

TYPEWRITER RENTAL COMMITTEE REPORT

MR. PRESIDENT: Your special committee appointed to consider the matter of typewriter rentals for this extra session of the Forty-fifth General Assembly begs leave to report that they have had the same under consideration and recommend that typewriters now in use by the Senate, and additional machines that may be required, be secured from the Gaar Bros. Typewriter Company of Des Moines, Iowa, on a rental basis of \$3.00 for a six weeks period beginning November 6, 1933, and 50 cents per week for the period of the session longer than six weeks; also that the state should assume responsibility for broken, stolen or destroyed machines, all in accordance with a preliminary arrangement made by the Secretary of the Senate.

IRVING H. KNUDSON, *Chairman*.
J. E. DOZE.
JOHN N. CALHOUN.

Passed on file.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me, as Secretary of the Senate, a proof of publication from the Marshalltown Times-Republican, Marshalltown, Iowa, relating to Senate File No. 8, a bill for an act to legalize the corporate acts and proceedings of Marshalltown Manufacturing Company, of Marshalltown, Iowa.

BYRON G. ALLEN, *Secretary of the Senate*.

The journal of November 16th was corrected and approved.

REPORT OF COMMITTEE

Senator Hicklin submitted the following report:

MR. PRESIDENT: Your committee on judiciary No. 2, to which was referred Senate File No. 3, a bill for an act to revise and modernize the laws of this state relating to certain co-operative corporations with or without capital stock; to provide for the Incorporation, Regulation and Dissolution of such corporations; to define certain Terms used in this act; to enumerate the powers and Purposes of such corporations; to prescribe the Rights, Privileges and Obligations of membership therein; to provide for the Marketing Contracts and Remedies for Breach of said contracts; to provide for By-Laws and what they shall contain; to extend the Provisions of this Act to certain corporations; to require certain Reports to be filed; to provide for certain Fees and Penalties to be paid the Secretary of State; to repeal Chapter 389 of the Code, 1931, relating to Cooperative Associations with Capital Stock; to repeal Chapter 390 of the Code, 1931

relating to Non Profit Sharing Co-operative Associations, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

Amend Senate File No. 3 as follows:

1. By striking the period after the last word of paragraph (a) of Section 1 and adding the following:

"as a cooperative association, controlled by and operated for the mutual benefit of its members as producers or consumers of the products handled or services rendered by it, in which the return on the stock or membership capital is limited to an amount not to exceed eight per centum per annum, which during any fiscal year does not deal in non-members' products or make purchases for non-members who are not producers to an amount greater in value than that permitted by paragraph (j) of Section 4 of this act."

2. By striking all of paragraph (b) of Section 1 and in lieu thereof substituting the following:

(b) Associations organized hereunder are deemed non-profit, inasmuch as they are not organized to make profit for themselves, as such, nor for their members, as such, but only for their members as producers or consumers.

3. By striking the word "twenty-five" in paragraph (j) of Section 4 and in lieu thereof inserting the following:

"an amount equal to thirty-three and one-third" and

By inserting after the word "shipping" and before the word "associations" in line 65 of the printed bill,
"or selling"

4. By striking in subdivision II of Section 15 the following words and punctuation marks,

"stock, without" and the comma after the word "interest" so that as amended the clause shall read "—the actual value of his interest in the association," — and

By adding the following paragraph to be designated as subdivision III.

III. If the association and the member cannot agree upon the value of his interest in the association at the time of his withdrawal or the termination of his membership or his expulsion, as provided in this section, such value shall be ascertained by three disinterested persons, one of whom shall be named by the member, another by the association and the third by the two thus chosen. The findings of the appraisers shall be final, and if their award is not paid by the association within the time herein provided, it may be recovered in an action by the member against the association. Upon payment by the association to the member of the agreed or awarded price, he shall forthwith surrender his membership to the association or transfer and assign the stock held by him at, and in accordance with, the request of the association.

5. By striking the word "shares" in section 17 and substituting therefor the word "share".

6. By adding the following sentence after the last word in Section 18:
"Voting by proxy shall be prohibited."

7. By inserting in Section 38 after the word "agreements" the following:

"between the association and its members, or any agreements".

8. In Section 15, the title, change the word "OF" before the word "STOCK" to "OR".

E. R. HICKLIN, *Chairman*.

Ordered passed on file.

AMENDMENTS FILED

Amend House File No. 87 by changing the "." to a "," in line 26, Sec. 4 thereof and adding "with the approval of the Executive Council."

WM. S. BEARDSLEY.

Amend House File 87 as follows:

Amend section five (5), line one (1) by striking out the words "Persons becoming" and writing the word "holders" with a capital H.

Further amend section five (5) by striking out all words between the word "State," in line four (4) and the word "shall" in line five (5).

Further amend section five (5) by striking out after the period in line fourteen (14) and before the word "and" in line twenty-five (25) the following:

"Provided that nothing herein contained shall be construed as relieving or releasing any person who held stock prior to the date this Act becomes effective as law, in any such corporation existing prior to the date that this Act becomes effective as law, from liability for assessment pursuant to Section 9246, Code of Iowa, 1931, on stock held by him at or prior to such time or for liability as provided by Section 9251, Code of Iowa, 1931, for liabilities of such corporation accruing prior to the time this Act becomes effective as law, the extent of such liability to be measured by his stock holdings at or prior to the time that this act becomes effective as law, and as contemplated by Sections 9251, 9252 and 9253, Code of Iowa, 1931," thus making section five (5) if amended as proposed, read as follows:

"Section 5. Holders of stock, either common or preferred, of either a state bank, savings bank or trust company, now organized or hereafter organized, under the laws of this State, shall not be held liable to assessment on such stock or to any penalty for refusal to pay any assessment on such stock as contemplated and provided in Sections 9246, 9247, 9248 and 9248-a1 of the Code of Iowa, 1931; nor shall such persons be liable to the creditors of any such corporation under Section 9251, Code of Iowa, 1931, because of ownership of such stock, nor may any action be maintained against any such person to enforce liability because of the ownership of such stock under Sections 9252 or 9253 of the Code of Iowa, 1931, or otherwise, and provided further, that nothing herein contained shall create, or be construed as creating any liability, on the part of any stockholder in any such banking corporation, contrary to the provisions of Chapter 156 or Chapter 159, Laws of the 45th General Assembly, or acts amendatory thereto."

Also amend section six (6) by striking out the word "as" in line six (6) and insert the word "are" in lieu thereof.

L. T. SHANGLE.

Amend Senate File 70 by striking all after the enacting clause and inserting in lieu thereof, the following:

"Section 1. Section one (1) of chapter one hundred thirty-three (133) of the acts of the forty-fifth general assembly is amended by striking the words and figures, "December 4, 1933", wherever they appear in lines four (4), five (5) and six (6) and by inserting in both instances the words and figures, "March 1, 1935",

"Sec. 2. This act being deemed of immediate importance, shall be in full force and effect from and after its publication in the Estherville News, a newspaper published at Estherville, Iowa, and in the Des Moines Daily Record, a newspaper published at Des Moines, Iowa."

W. R. RITCHIE.

Senator Valentine moved to recess until 3:00 p. m. today.

Senator Wilson moved to adjourn until 9:30 a. m. tomorrow.

The motion to adjourn prevailed.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, NOVEMBER 21, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Levi P. Goodwin, pastor of the Wesley Methodist Episcopal church, of Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Topping for the day, on account of illness, on request of Senator Wilson.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring gross income tax. Senator Mullaney from Oelwein Chamber of Commerce. Tax revision and reorganization.

Opposing change of prohibition law. Senator Ritchie from citizens of Rolfe. Senator Hush from citizens of Glenwood. Liquor control.

INTRODUCTION OF BILLS

Senate File No. 79, by Senator Ritchie, a bill for an emergency act to suspend the provisions of section seven thousand two hundred forty-six (7246), code, 1931, relating to the notice of tax sale by the county treasurer and the service of such notice by publication in a newspaper, until February 15, 1935.

Read first and second times and passed on file.

Senate File No. 80, by Senator Carden, a bill for an act to repeal section two thousand thirteen-c five (2013-c5), Code, 1931, and to enact a substitute therefor relating to the requisition of vehicles condemned under chapter ninety-seven (97) of said Code.

Read first and second times and referred to committee on judiciary No. 2.

Senate File No. 81, by Senator Hicklin, a bill for an act to amend chapter one hundred ninety-nine (199) of the Code of Iowa, 1931, by inserting after section four thousand eighteen (4018) a new section to be known as four thousand eighteen-f (4018-f); to amend sections four thousand twenty-five (4025), four thousand twenty-six (4026) and four thousand twenty-eight (4028); and to repeal sections four thousand ten (4010), four thousand twelve (4012), four thousand sixteen (4016), four thousand seventeen (4017), and four thousand twenty-one (4021) of the Code of Iowa, 1931, and to enact substitutes therefor, all relating to the treatment of indigent persons.

Read first and second times and referred to committee on public health.

Senate File No. 82, by Senator Harrington, a bill for an act to provide for consolidating city and school elections in school districts which embrace a city and which have a population of not more than one hundred thousand (100,000), nor less than seventy thousand (70,000), by the last federal census; to prescribe the manner of holding the same; to provide for terms of directors and the manner of nominating and electing same; prescribing eligibility of voters and registration thereof, and making other statutes affecting city and school elections applicable except where inconsistent or contradictory; by amending sections forty-one hundred twenty-five (4125), forty-two hundred twenty (4220), forty-two hundred seventeen (4217), forty-two hundred eighteen (4218), forty-two hundred twenty-three-a2 (4223-a2), forty-two hundred twenty-three-b1 (4223-b1), forty-two hundred twenty-eight (4228), forty-three hundred fifty-four (4354), forty-four hundred one (4401), forty-four hundred six (4406), forty-four hundred fifty-three (4453) and forty-four hundred sixty-four (4464), Code 1931.

Read first and second times and referred to committee on elections.

Senate File No. 83, by Senator Wilson, a bill for an act to repeal Section Seven (7) of Chapter One Hundred Twenty-three (123) enacted by the 45th General Assembly relating to levies to be made by any city or town for fire fund and fire department maintenance, and enacting a substitute therefor, permitting the council of any city or town to levy a millage rate sufficient to raise an

amount up to, but not to exceed, amounts raised by the 1930 levy for said funds.

Read first and second times and referred to committee on cities and towns.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor stating that on November 20th he had approved the following bills:

Senate File No. 26, relating to printing of legalizing acts.

Senate File No. 27, relating to the rules of parliamentary practice.

November 16th: Senate Joint Resolution No. 2, relating to compensation of employees and members of the 45th General Assembly in extraordinary session.

SENATE FILE 77 WITHDRAWN

By unanimous consent, on request of Senator Schmidt, Senate File No. 77, a duplicate bill to Senate File No. 74, was withdrawn.

Senator Wilson was called to the chair at 9:44 a. m.

SENATE FILE 72 WITHDRAWN

By unanimous consent, on request of Senator Chrystal, Senate File No. 72, a duplicate of Senate File No. 68, was withdrawn.

THIRD READING OF BILLS

The time having arrived for consideration of Senate File No. 70, made a special order for 10:00 a. m., on motion of Senator Ritchie Senate File No. 70, a bill for an act to amend chapter one hundred thirty-three (133) of the acts of the forty-fifth general assembly relating to sales of real estate for delinquent taxes, was taken up, and considered.

Senator Ritchie offered the following amendment and moved its adoption:

Amend by striking all after the enacting clause and inserting in lieu thereof, the following:

"Section 1. Section one (1) of chapter one hundred thirty-three (133) of the acts of the forty-fifth general assembly is amended by striking the

words and figures, "December 4, 1933", wherever they appear in lines four (4), five (5) and six (6) and by inserting in both instances the words and figures, "March 1, 1935",

"Sec. 2. This act being deemed of immediate importance, shall be in full force and effect from and after its publication in the Estherville News, a newspaper published at Estherville, Iowa, and in the Des Moines Daily Record, a newspaper published at Des Moines, Iowa."

Senator Beardsley offered the following amendment to the amendment and moved its adoption:

Amend Section 1 line 6 by striking the figures "1935" and inserting the figures "1934".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

The bill was read for information.

Senator Ritchie moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 47.

Anderson	Elthon	McArthur	Roelofs
Aschenbrenner	Fisch	Meyer	Schmidt
Baldwin	Frailey	Miller of	Shangle
Beardsley	Geske	Buchanan	Stanley
Beatty	Hicklin	Miller of Jones	Stevens of
Bennett	Hill	Moore	Decatur
Booth	Hopkins	Mullaney	Stevens of
Byers	Hush	Nelson	Wapello
Calhoun	Husted	Patterson	Tripp
Carden	Kimberly	Pendray	Valentine
Chrystal	Klemme	Reese	Wenner
Coykendall	Knudson	Ritchie	Wilson
Doze	Leo		

Nays, none.

Absent or not voting, 3.

Harrington	Irwin	Topping
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on request of Senator Ritchie, Senate File No. 70 was messaged to the House immediately.

By unanimous consent, on request of Senator Ritchie the rules were suspended and Senate File No. 79 was taken up and considered.

By unanimous consent, on request of Senator Ritchie, the rules were suspended by which no bill may be read the second and third times on the same day.

On motion of Senator Ritchie Senate File No. 79, a bill for an emergency act to suspend the provisions of section seven thousand two hundred forty-six (7246), code, 1931, relating to the notice of tax sale by the county treasurer and the service of such notice by publication in a newspaper, until February 15, 1935, was taken up, and considered.

The bill was read for information.

Senator Beardsley offered the following amendment and moved its adoption:

Amend by striking from line 4 of Sec. 1 the figures "1935" and inserting in lieu thereof the figures "1934".

By unanimous consent, on request of Senator Ritchie, action was temporarily deferred.

CONSIDERATION OF HOUSE FILE 87 RESUMED

Senator Valentine called up for consideration House File No. 87 on which action was deferred on page 106 of the Senate journal.

Senator Shangle offered the following amendment and moved its adoption:

Amend section five (5), line one (1) by striking out the words "Persons becoming" and writing the word "holders" with a capital H.

Further amend section five (5) by striking out all words between the word "State," in line four (4) and the word "shall" in line five (5).

Further amend section five (5) by striking out after the period in line fourteen (14) and before the word "and" in line twenty-five (25) the following:

"Provided that nothing herein contained shall be construed as relieving or releasing any person who held stock prior to the date this Act becomes effective as law, in any such corporation existing prior to the date that this Act becomes effective as law, from liability for assessment pursuant to Section 9246, Code of Iowa, 1931, on stock held by him at or prior to such time or for liability as provided by Section 9251, Code of Iowa, 1931, for liabilities of such corporation accruing prior to the time this Act becomes effective as law, the extent of such liability to be measured by his stock holdings at or prior to the time that this act becomes effective as law, and as contemplated by Sections 9251, 9252 and 9253, Code of Iowa, 1931," thus making section five (5) if amended as proposed, read as follows:

"Section 5. Holders of stock, either common or preferred, of either a state bank, savings bank or trust company, now organized or hereafter organized, under the laws of this State, shall not be held liable to assessment on such stock or to any penalty for refusal to pay any assessment on such stock as contemplated and provided in Sections 9246, 9247, 9248 and 9248-a1 of the Code of Iowa, 1931; nor shall such persons be liable to the creditors of any such corporation under Section 9251, Code of Iowa, 1931, because of ownership of such stock, nor may any action be maintained against any such person to enforce liability because of the ownership of such stock under Sections 9252 or 9253 of the Code of Iowa, 1931, or otherwise, and provided further, that nothing herein contained shall create, or be construed as creating any liability, on the part of any stockholder in any such banking corporation, contrary to the provisions of Chapter 156 or Chapter 159, Laws of the 45th General Assembly, or acts amendatory thereto."

Also amend section six (6) by striking out the word "as" in line six (6) and insert the word "are" in lieu thereof.

President N. G. Kraschel returned to the chair at 10:30 a. m.

Roll call was demanded on the amendment.

Senator Klemme moved the previous question on the amendment, which motion prevailed.

On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 3.

Hopkins	Shangle	Stevens of Decatur
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Nays, 41.

Anderson	Elthon	Leo	Reese
Baldwin	Fisch	McArthur	Roelofs
Beardsley	Frailey	Meyer	Schmidt
Beatty	Geske	Miller of	Stanley
Booth	Harrington	Buchanan	Stevens of
Byers	Hill	Miller of Jones	Wapello
Calhoun	Hush	Moore	Tripp
Carden	Husted	Mullaney	Valentine
Chrystal	Kimberly	Nelson	Wenner
Coykendall	Klemme	Patterson	Wilson
Doze	Knudson	Pendray	

Absent or not voting, 6.

Aschenbrenner	Hicklin	Ritchie	Topping
Bennett	Irwin		

The amendment was lost.

Senator Beardsley offered the following amendment and moved its adoption:

Amend by changing the "." to a "," in line 26, Sec. 4 thereof and adding "with the approval of the Executive Council."

Roll call was demanded.

On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 18.

Beardsley	Coykendall	Hush	Ritchie
Beatty	Elthon	Husted	Stanley
Booth	Hicklin	Leo	Wenner
Calhoun	Hill	Patterson	Wilson
Carden	Hopkins		

Nays, 27.

Anderson	Geske	Miller of Jones	Shangle
Baldwin	Kimberly	Moore	Stevens of
Bennett	Klemme	Mullaney	Decatur
Byers	Knudson	Pendray	Stevens of
Chrystal	McArthur	Reese	Wapello
Doze	Meyer	Roelofs	Tripp
Fisch	Miller of	Schmidt	Valentine
Frailey	Buchanan		

Absent or not voting, 5.

Aschenbrenner	Irwin	Nelson	Topping
Harrington			

The amendment was lost.

Senator Wilson offered the following amendment and moved its adoption:

Amend by striking out the word "all" as the same appears in line thirty-eight (38) subdivision "E", of Section 4, and inserting in lieu thereof the word "No".

By unanimous consent on request of Senator Wilson the following was added to his amendment:

Also amend line 39, Sec. 4 by inserting before the period at the end thereof the following: "who are residents of the State of Iowa and not under legal disability".

Roll call was demanded.

Senator Ritchie moved the previous question on the amendment, which motion prevailed.

On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 23.

Aschenbrenner	Coykendall	Hush	Ritchie
Beardsley	Elthon	Husted	Roelofs
Beatty	Harrington	Klemme	Stanley
Booth	Hicklin	Leo	Wenner
Calhoun	Hill	Nelson	Wilson
Carden	Hopkins	Patterson	

Nays, 24.

Anderson	Geske	Miller of Jones	Stevens of
Baldwin	Kimberly	Moore	Decatur
Bennett	Knudson	Mullaney	Stevens of
Byers	McArthur	Pendray	Wapello
Chrystal	Meyer	Reese	Tripp
Doze	Miller of	Schmidt	Valentine
Frailey	Buchanan	Shangle	

Absent or not voting, 3.

Fisch	Irwin	Topping
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The amendment was lost.

Senator Wilson offered the following amendment and moved its adoption:

Amend Section 4, subdivision "A" thereof, by inserting before the semi-colon (;) in line eight (8) thereof the following:

"such rights, privileges, preferences, limitations and conditions, however, shall not permit such stockholder, either common or preferred, in case of liquidation of such bank, to share in the assets thereof before the depositors shall have been paid in full".

The amendment was adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend by adding as Sec. 4a the following:

"Sec. 4a. In the event any bank shall, under the provisions of this act, exempt its stockholders from stockholders' liability, such bank shall be required to create and maintain a reserve fund in a sum equal to the amount of its common stock, before any dividends shall be paid upon said stock."

By unanimous consent, on request of Senator Hicklin, his amendment was withdrawn.

Senator Shangle offered the following amendment and moved its adoption:

Amend by striking out the word "as" in line six (6) of section six (6) and inserting in lieu thereof the word "are".

The amendment was adopted.

Senator Wenner offered the following amendment and moved its adoption:

Amend Sec. 4 by inserting after the word "such" in line 8 the word "preferred".

The amendment was adopted.

Senator Valentine moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 41.

Anderson	Fisch	Leo	Roelofs
Aschenbrenner	Frailey	McArthur	Schmidt
Baldwin	Geske	Meyer	Shangle
Beardsley	Harrington	Miller of	Stanley
Bennett	Hicklin	Buchanan	Stevens of
Booth	Hill	Miller of Jones	Decatur
Byers	Hopkins	Moore	Stevens of
Carden	Hush	Mullaney	Wapello
Chrystal	Kimberly	Nelson	Tripp
Coykendall	Klemme	Pendray	Valentine
Doze	Knudson	Reese	Wenner

Nays, 6.

Beatty	Husted	Ritchie	Wilson
Elthon	Patterson		

Absent or not voting, 3.

Calhoun	Irwin	Topping
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Valentine moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent on request of Senator Valentine, Senate File No. 49, companion bill to House File No. 87 as just passed, was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 40, a bill for an act relating to interest on chattel loans up to three hundred (\$300.00) dollars.

Also, that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 70, a bill for an act relating to sales of real estate for delinquent taxes.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENT TO SENATE FILE NO. 70

Amend section one (1) by striking from lines five (5) and six (6) the words and figures "March 1, 1934," and inserting in lieu thereof "April 2, 1934,".

By unanimous consent, on request of Senator Ritchie, the rules were suspended and House amendment to Senate File No. 70 was taken up and considered.

HOUSE AMENDMENTS CONSIDERED

Senator Ritchie called up for consideration Senate File No. 70, amended by the House, and moved that the Senate concur in the following amendments:

Amend section one (1) by striking from lines five (5) and six (6) the word and figures "March 1, 1934," and inserting in lieu thereof "April 2, 1934,".

On the question "Shall the Senate concur?" the vote was:

Ayes, 41.

Anderson	Doze	Knudson	Pendray
Aschenbrenner	Elthon	Leo	Reese
Baldwin	Frailey	McArthur	Ritchie
Beardsley	Geske	Meyer	Roelofs
Beatty	Harrington	Miller of	Shangle
Booth	Hicklin	Buchanan	Stanley
Byers	Hill	Miller of Jones	Stevens of
Calhoun	Hopkins	Moore	Decatur
Carden	Hush	Mullaney	Tripp
Chrystal	Kimberly	Nelson	Wenner
Coykendall	Klemme	Patterson	

Nays, none.

Absent or not voting, 9.

Bennett	Irwin	Stevens of	Valentine
Fisch	Schmidt	Wapello	Wilson
Husted		Topping	

The House amendment having received a constitutional majority was declared to have been adopted and concurred in by the Senate.

Senator Ritchie moved that the vote by which the Senate concurred be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

REPORT OF COMMITTEE

Senator Nelson submitted the following report:

MR. PRESIDENT: Your committee on county and township affairs to which was referred Senate File 17, a bill for an act to amend sub-section ten (10), section fifty-one hundred ninety-one (5191), Code of Iowa, 1931, as amended by section six (6), chapter ninety (90), Acts of the forty-fifth general assembly, relating to mileage of sheriffs and their deputies, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

Amend by striking the word "ten" in line 7 thereof, and inserting in lieu thereof the words "seven and one-half".

FRED W. NELSON, *Chairman.*

Ordered passed on file.

The journal of November 20th was corrected and approved.

REPORT OF INTERIM COMMITTEE NAMED TO INVESTIGATE
INDIGENT PATIENT PROBLEM

TO HIS EXCELLENCY, the Governor of the State of Iowa and to the Members of the Forty-fifth General Assembly:

The undersigned committee, appointed pursuant to the provisions of House Joint Resolution No. 7 adopted by the Forty-fifth General Assembly, begs leave to submit a majority report supplementing and completing the preliminary report previously submitted.

According to House Joint Resolution No. 7: "The sole purpose of this committee shall be to seek the cause or causes of at least one of Iowa's present misfortunes, viz., unprovided for sick and suffering, and report back to the forty-fifth General Assembly at the earliest possible moment the result of their consultations and conferences with such recommendations as to the committee seem fit and proper for the deliberate consideration of the Governor, the Senate and the House of Representatives, and for such further action by them as circumstances warrant". In considering the problem of the unprovided for sick and suffering of the state as set forth in this resolution, the waiting list of indigent patients committed to the University Hospitals presented itself to your committee as of paramount importance. On March 1st, the records of the hospitals disclosed a waiting list of 5,434 persons, a number which was, however, only approximately accurate since many of the persons originally committed to the hospitals may have died or received treatment elsewhere, during the prolonged period of waiting necessitated by so long a list. It has recently been reported that the waiting list has been reduced to less than three thousand. If this be the case, it is to be assumed that this list has been revised with the elimination of those patients who for one of

the reasons set forth are no longer waiting to receive care at the University Hospitals, since there has been no change in the basic conditions affecting the problem of the indigent sick.

The statutes of the state of Iowa place the primary responsibility for the care of indigents, whether sick or well, upon the Board of Supervisors of the county in which they reside. The Perkins-Haskell-Klaus laws modified this responsibility by providing for the state care of the indigent sick with certain limitations, not primarily with the intent of relieving the counties of their humanitarian duty, but rather for the purpose of supplying adequate clinical material for the instruction of students of the College of Medicine. Any solution of the problem of providing adequate care for the sick must also safeguard the supply of clinical material for the teaching needs of the College of Medicine, and must also take into account the necessity for avoiding all unnecessary expense during this time of unusual stringency. In other words, while humane care of the sick is our first duty, it should be so provided as to meet every need for clinical instruction at the University Hospitals, and at the same time not work any unnecessary hardship on the already overburdened taxpayer.

Elimination of the Waiting List: A waiting list of five thousand, three thousand, or even one thousand obviously falls short of standards of humane care since in most cases of illness, waiting works a real hardship even if it does not actually endanger life. A waiting list was not anticipated when our laws providing for the commitment of patients to the University Hospitals were passed. The number of patients seeking admission to the hospitals has been increased far beyond the anticipated number and the needs of the College of Medicine because of the depression, unemployment, bank failures, and the general uncertainty of agriculture, and because certain abuses have been possible under our laws, such as misinterpretation of emergency, misrepresentation of the degree of indigency, incomplete investigation of cases of alleged indigency, and the unnecessary commitment of cases which have no value for teaching purposes. It is not only essential that the waiting list be reduced, but that there should be a selective reduction which shall not cripple the College of Medicine nor prevent or delay the admission of such cases as can best be treated there.

The Quota Plan: There is no reason to believe that the quota plan, under which patients are now being admitted to the University Hospitals, will in any way lessen the waiting list. It provides that committed patients be admitted to the hospitals in proportion to the population of counties of their residence instead of as the laws seem to contemplate in proportion to the number of commitments. It may be considered more equitable from the standpoint of the taxpayers of those counties which have received less service than the taxes which they paid into the state fund would seem to entitle them, but it can have no possible effect upon the long waiting list except such reduction at the source as would follow full cooperation on the part of all counties, which can hardly be expected. When a patient has once been committed to the University Hospitals, the county may be under the expense of providing local care pending his

admission, but no final disposition can well be made of his case because of the uncertainty as to the time when he can be admitted. Your Committee believes that the quota plan will eventually seriously interfere with the primary function of the Perkins, Haskell-Klaus laws of providing adequate material for the instruction of medical students, since the Boards of Supervisors might preserve their quotas by committing patients requiring long and expensive care, and provide for the treatment of accident and obstetrical cases, and those of acute illness in their home communities. It has been proposed by the hospital authorities that those counties desiring to commit patients beyond their allotted quotas would pay for the overflow at the same rates charged the state. Your committee believes that the counties cannot and will not pay so much when they can get some kind of hospital service for less at home.

The County Whole Payment Plan: The suggestion has been made that careful investigation of the question of indigency, and of the advisability of hospitalization in the University Hospitals might best be insured by the county whole payment plan, charging back to the county the entire cost of hospitalization, but a majority of your committee believes that this suggestion should be rejected since its adoption would jeopardize the flow of patients necessary for clinical instruction in the College of Medicine. Without some help from the State, it is believed that the counties would feel that they cannot afford to send their sick and crippled indigents long distances and pay for their entire care, but would instead provide for hospital service at home at less cost.

The County Part Payment Plan: Reduction of the waiting list should be made *at the source*, in the first instance, by elimination of those cases which are not truly indigent through adequate investigation of the individual case. This should be primarily the duty of the Board of Supervisors, who are charged with the fundamental duty of caring for the indigent residents of the county, and who should accordingly be conversant with existing indigency. Adequate medical examination will eliminate those patients who have no value for teaching purposes and for whom a stay in the University Hospitals promises neither improvement nor cure. Provision can and should be made for the local care of such patients, affording them any possible immediate and adequate relief, thus releasing hospital beds needed for other patients. It is possible that the number of hospital beds may be still further increased by effecting certain economies in hospital administration which, while maintaining the present high standards of medical care, may seem justified by the lowered standards of living imposed upon the population as a whole by the existing economic conditions. Your committee is convinced that adequate investigation and exclusion of non-indigents would be insured by the county part payment plan, and that this plan, with adequate safeguards, would not jeopardize the clinical material needed by the University Hospitals, but would on the contrary, make possible effective selection of the type of material needed. The selection of cases at the source with the elimination of those without teaching value and for whom no benefits from such hospitalization are to be anticipated, would at the same time effect material savings. To insure reasonably prompt care of the sick

your committee believes that it should be made mandatory that the patient be sent to the hospital or otherwise cared for within thirty days but the provision of a thirty day threshold in all cases except in obstetrical cases, cases of crippled children and those in which such delay does not endanger the patient, and the submission of all commitments to the admitting physician of the University Hospitals for his acceptance or rejection, not only insures clinical material in sufficient numbers but also permits the selection of the type of patients needed for the instruction of medical students, and insures the inclusion of a sufficient number of obstetrical patients and patients with acute diseases. Both obstetrical and crippled patients would be exempt from the thirty day limitation of the waiting period.

Limitation of the Number of Medical Students: As indicated in its preliminary report and the exhibits attached thereto, to which your attention is directed, your committee is unanimous in the opinion that the present yearly average of 95 graduates of the Medical College of our State University is at least twenty more than is required to supply the medical needs of the state and to replace the annual loss to the medical profession through death, retirement, and removal from the State. Since the number of practicing physicians in the United States also apparently greatly exceeds the need of the country as a whole, there is no reason to fear any unusual loss through migration to other parts of our country, nor to feel any altruistic urge to train physicians for other parts of the country that might be less well supplied. If the number of students in the Medical College should be limited so as to provide only such additions to the medical profession as are needed, the quantity of clinical material for the teaching of the lesser number of students could be correspondingly reduced.

During the year ended June 20, 1932, there were 8,719 patients admitted to the University Hospitals. The average period of hospitalization for these patients during the same time was 17.7 days. The average daily number of patients, therefore, at the hospitals was 492.6, a number which would be considerably in excess of the teaching needs of a College of Medicine large enough to supply the medical needs of Iowa. It therefore follows that some other means must be employed in order to care for the indigent sick of the state than the law as contained in Chapter 199, Code of Iowa, 1931, as presently administered, in order to obviate unnecessary delays and unwarranted expense.

Since the need is not for more, but rather for less and better trained physicians, we should be primarily concerned with limitation of the number of students through selection of those best qualified to profit by the training they are to receive, and with better training for those thus selected. It is, therefore, the conclusion of your committee, and it so recommends, that the Legislature authorize the State Board of Education to adopt standards of admittance on a competitive basis to the medical school which would keep the student body of the College of Medicine within such limits as would produce for the last two years thereof an average of approximately 75 members for each of said years and would also raise the standard of the type of student which is admitted to and

graduated from the College; subject to the same limitations under the existing regulations whereby Iowa citizens are preferred.

Economic Considerations: While measurably prompt and adequate relief for sick and suffering indigents and an adequate supply of clinical material for the instruction of the students in the College of Medicine of our State University, as envisaged in the Perkins, Haskell-Klaus laws, must be the primary consideration in the formulation of any plan for the care of the indigent sick of the State, it is also essential that when the obligations to relieve suffering and to supply needed clinical material for the University Hospitals have been met, the economic method of meeting these obligations should be given consideration. This factor has been briefly touched upon in considering methods for eliminating the long waiting list of committed patients, but the problem involved is so important that it merits further consideration.

The elimination of those patients not entitled to be classed as indigents, and of those not needed for clinical instruction and for whom a stay at the University Hospitals promises little or no benefit would not only do away with the suffering and loss incident to a long waiting list, but would also result in material savings to the tax-payer. Since the state would still meet the expense of commitment, transportation, and escort, there would be no geographic discrimination against any county, and since one-half of the costs of hospitalization would be charged back to the county, greater care in investigating alleged indigency should be insured. The cost to the county of the hospitalization of an indigent would remain a debt due the county from the patient or those legally responsible for his care, to be collected if and when it became collectible, thus providing further safeguards against pseudo-indigency, possible only where the financial responsibility is placed on local agencies. Moreover, as the laws now operate, there is a marked inequality of distribution of service and costs among the counties, about one-third of which receive more hospital service than their populations, or the taxes they pay into the state funds would seem to entitle them to receive, while the remaining two-thirds of the counties receive less than they pay for. Charging one-half the cost of caring for committed patients back to the county of their residence would tend to correct this injustice, equalizing the distribution of service and costs, because those counties sending many patients would pay more, those sending few would pay less. It would also lift from the counties a part of the burden of providing local care for indigents now on the waiting list. Last year more than \$1,000,000.00 was spent for medical and hospital care within the counties of the state as compared with \$450,000.00 expended in 1928. Making the County Boards of Supervisors responsible for the care of sick indigents not needed for clinical instruction at the University Hospitals and for whom hospitalization in this hospital promises no special benefit, would have the added economic advantage of giving needed financial support to many smaller hospitals which, while performing a valuable function in the community particularly in times of epidemics and emergencies, find it difficult to keep open their doors. In most cases such care can also be provided locally at less expense than that incurred in transporting the patient to and from the

University Hospitals, caring for him there, and in many instances providing an escort to and from the hospital.

Lesser savings can also be effected by reducing the fee allowed the examining physician from \$5.00 to \$3.00, and the per diem charge of the escort when such is needed, from \$3.00 to \$2.00. In all cases in which the escort is a member of the patient's family or a close relative, no fee is allowed.

Because of the facts set forth in the foregoing report, and as a result of its study of the problem of the elimination of the waiting list, your committee respectfully makes the following recommendations:

1. That half the basic cost of hospitalizing indigents be charged to the counties of their residence.

2. That investigation to determine indigency be made under the direction of the County Board of Supervisors.

3. That if an indigent person who can probably be benefited can be received at the University Hospitals within thirty days, except in obstetrical and orthopedic cases, the Court shall order him committed. If he cannot be received, the Court shall order the County to provide immediate care at home or in a hospital, and shall designate the physician who is to attend him.

4. That the size of the Medical College be reduced by suitable entrance requirements, so that the average number of graduates will not exceed seventy-five per year.

5. That the physician's examination fee of \$5.00 be reduced to \$3.00.

6. That escorts' wages of \$3.00 per day be reduced to \$2.00 per day.

7. That all purchases of supplies and materials for the University Hospitals be made upon open competitive bidding.

8. That the cost to the county of hospitalization of an indigent shall be a debt due the county from the patient or those legally responsible for his care, and that it be collected if and when it becomes collectible.

9. That before receiving other than committed indigent patients, that is, cost, pay and private patients, the hospital authorities shall collect the estimated cost of their hospital care.

Your committee appends hereto forms of proposed laws to carry out the foregoing recommendations:

A Bill for an Act to amend Sections Four thousand twenty-five (4025), four thousand twenty-six (4026), four thousand twenty-seven (4027), and four thousand twenty-eight (4028); and to repeal sections four thousand ten (4010), four thousand twelve (4012), four thousand sixteen (4016), four thousand seventeen (4017), and four thousand twenty-one (4021), Code of Iowa, 1931, and to enact substitutes therefor, all relating to the treatment of indigent persons.

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

Section 1. That section four thousand ten (4010) be repealed and the following substituted therefor: "When such complaint is filed, the clerk shall furnish the county attorney and board of supervisors with a copy thereof, and said board shall, by the overseer of the poor or such other agent as it may select, make a thorough investigation of facts as to the legal residence of the patient, and the ability of the patient or others

chargeable with his support to pay the expense of such treatment and care, and shall file a report of such investigation in the office of the clerk, at or before the time of hearing."

Sec. 2. That section four thousand twelve (4012), Code 1931, be repealed and the following substituted therefor: "The county attorney and the overseer of the poor, or other agent of the board of supervisors of the county where the hearing is held, shall appear thereat. The complainant, the county attorney, the overseer of the poor or other agent of the board of supervisors, and the patient, or any person representing him, or her, may introduce evidence and be heard. If the court finds that said patient is a legal resident of Iowa and is pregnant or is suffering from a malady or deformity which can probably be improved or cured or advantageously treated by medical or surgical treatment or hospital care, and that neither the patient nor any person legally chargeable with his or her support is able to pay the expenses thereof, then the clerk of court, except in obstetrical cases and cases of crippled children, shall immediately ascertain from the admitting physician at the university hospital whether such person can be received as a patient within a period of thirty days, and if the patient can be so received, the court shall then enter an order directing that said patient be sent to the university hospital for proper medical and surgical treatment and hospital care. If the court ascertains, excepting in obstetrical cases and cases of crippled children, that a person of the age or sex of the patient, or afflicted by the complaint, disease, or deformity with which such person is affected cannot be received as a patient at the said university hospital within the period of thirty days, then he shall enter an order directing the board of supervisors of the county to provide adequate treatment at county expense for the said patient at home or in a hospital, and naming the physician or physicians who shall attend said patient. Obstetrical cases and cases of crippled children may be committed to the university hospital without regard to the limiting period of thirty days hereinbefore stated.

"In any case of emergency the court without previous inquiry may at its discretion order the patient to be immediately taken to and accepted by the university hospital for the necessary care as provided in section four thousand fourteen (4014) herein, but if the condition of the patient is such that his or her transportation to the university hospital would jeopardize the success of the necessary treatment or otherwise endanger the life of the patient, the court may immediately enter an order as in certain cases above set forth directing the board of supervisors to provide adequate treatment at county expense for the said patient at home or in a hospital and naming the physician or physicians who shall attend the patient.

"On the date this act becomes effective the commitments of all persons then waiting for treatment at the university hospital are hereby cancelled. Should commitments be applied for on behalf of any of those said patients within six months thereafter, they may be committed without regard to the thirty (30) day provision of the preceding paragraph and they shall have preference as to sixty (60) per cent of the beds of the university hospital available for the use of indigent patients."

Sec. 3. That section four thousand sixteen (4016), Code 1931, be repealed and the following substituted therefor: "If the physician appointed to examine the patient shall certify that an attendant to accompany the patient to the said hospital is necessary, then the court or judge may appoint an attendant who shall receive not exceeding two dollars (\$2.00) per day for the time thus necessarily employed and actual necessary traveling expenses by the most feasible route to said hospital whether by ambulance, train or automobile; but if such appointee is a relative of the patient or a member of his immediate family, or receives a salary or other compensation from the public for his services, no such per diem compensation shall be paid him. The physician appointed by the court to make the examination and report shall receive therefor three dollars (\$3.00) for each examination and report so made and his actual, necessary expenses incurred in making such examination, but if such physician receives a salary or other compensation from the public for his full time services then no such examination fee shall be paid. The actual, necessary expenses of transporting and caring for the patient shall be paid as hereinafter provided."

Sec. 4. That section four thousand seventeen (4017), Code 1931, be repealed and the following substituted therefor: "An itemized, verified statement of all charges provided for in the preceding section and in section four thousand twelve (4012), in cases where the patient is admitted or accepted for treatment at the university hospital shall be filed with the superintendent of the university hospital, and when approved by the judge under whose order the same were incurred, they shall be charged on the regular bill for the maintenance, transportation and treatment of the patient, and be audited and paid in the manner as hereinafter provided."

Sec. 5. That section four thousand twenty-one (4021), Code of Iowa, 1931, be repealed and the following substituted therefor: "Treatment of other patients. The University hospital authorities may at their discretion receive into the hospital for medical, obstetrical or surgical treatment or hospital care, patients not committed thereto under the provisions of this chapter; but the treatment or care of such patients shall not in any way interfere with the proper medical or surgical treatment or hospital care of committed patients. All of the provisions of this chapter except as to commitment of patients shall apply to such patients. The university hospital authorities shall collect from the person or persons liable for the support of such patients reasonable charges for hospital care and service and deposit the same with the treasurer of the university for the use and benefit of the university hospital. All earnings of the hospital whether from private patients, cost patients or indigents shall be administered so as to increase as much as possible the service available for indigents."

Sec. 6. That section four thousand twenty-five (4025), Code of Iowa, 1931, be amended by adding after the period in line six (6) thereof the following: "If the physician, surgeon or nurse is not in the regular employ of the state board of education, his or her compensation shall be paid by the county upon approval of the board of supervisors."

Sec. 7. Amend section four thousand twenty-six (4026), Code of Iowa, 1931, by striking the period in line ten (10) and inserting in lieu thereof a comma and adding thereto the following: "and he shall also render separate bills showing the actual cost of the commitment, transportation to or from the said hospital including the expense of the attendants and escorts. That all purchases of materials, appliances, instruments, and supplies by said state hospital, in cases where more than one hundred dollars (\$100.00) is to be expended, and where the price of the commodity or commodities to be purchased is subject to competition, shall be upon open competitive bidding, and all contracts therefor shall be subject to the provisions of chapter sixty-two (62), Code of Iowa, 1931."

Sec. 8. Amend section four thousand twenty-seven (4027), Code of Iowa, 1931, by adding at the end of said section the following: "The cost of all medicine, care, X-ray, laboratory and maintenance furnished to such patients, shall be paid one-half by the state and one-half by the county of each patient's legal residence. The cost of the commitment, transportation, attendants and other special appliances and treatments of all patients admitted or accepted for treatment at the university hospital shall be paid by the state.

"The Auditor of State shall make a quarterly estimate of the per diem charge for medicine, care, X-ray, laboratory and maintenance based upon such reports and audits as he shall require, and in the final quarter of each year he shall provide for an audit to determine the said per diem charge for medicine, care and maintenance, and upon the basis of the same adjust any and all irregularities and errors found to exist as the result of the quarterly estimates."

Sec. 9. That section four thousand twenty-eight (4028), Code of Iowa, 1931, be amended by adding at the end thereof the following: "The superintendent of the said university hospital shall certify to the auditor of state on the first days of January, April, July and October, the amount as herein provided not previously certified by him due the state from the several counties having patients chargeable thereto, and the auditor of state shall thereupon charge the same to the county so owing. A duplicate certificate shall also be mailed to the auditor of each county having patients chargeable thereto.

"The county auditor, upon receipt of such certificate, shall thereupon enter the same to the credit of the state in his ledger of state accounts, and at once issue a notice to his county treasurer, authorizing him to transfer the amount from the poor or county fund to the general state revenue, which notice shall be filed by the treasurer as his authority for making such transfer; and he shall include the amount so transferred in his next remittance of state taxes to the treasurer of state, designating the fund to which it belongs.

"The state auditor shall certify the total cost of commitment, transportation and caring for such indigent patient under the terms of this statute to the county auditor of such patient's legal residence, and such certificate shall be preserved by the county auditor and shall be a debt due from the patient or the persons legally responsible for his or her care, maintenance or support; and whenever in the judgment of the

board of supervisors the same or any part thereof shall be collectable, the said board may in its own name collect the same and is hereby authorized to institute suits for such purpose, and after deducting the county's share of such cost shall cause the balance to be paid into the state treasury."

OLIVER J. FAY
 W. A. STERNBERG
 A. W. ERSKINE
 E. R. HICKLIN
 M. MOORE
 PAUL L. MILLHONE
 JOHN SPEIDEL

**Representative Speidel signed the majority report, with reservations respecting recommendations Nos. 1 and 4.

*Senator Moore signed the majority report, with the reservation that he would except the words "and shall designate the physician who is to attend him" in recommendation No. 3.

To HIS EXCELLENCY, the Governor of the State of Iowa and to the Members of the Forty-fifth General Assembly:

The foregoing report constitutes a majority report of the committee. A minority report is in process of preparation and will be submitted at an early date.

To HIS EXCELLENCY, the Governor of the State of Iowa, and to the Members of the Forty-fifth General Assembly:

We, the undersigned, members of the committee, appointed in accordance with the Provisions of House Joint Resolution No. 7, adopted by the forty-fifth General Assembly, beg leave to submit the following Supplemental Report:

That since the signing of the Majority Report, that we have investigated the County Quota Plan, which the State Board of Education made effective on the admission of patients at the University Hospitals, starting August 1, 1933, and find that it has reduced the waiting list of patients to a considerable extent, and provides for a more equable division of indigent patients of all the counties of the State, and feel that it should be given a further trial, and we recommend that with a suitable legal authorization, it be continued at least for awhile.

E. R. HICKLIN.
 PAUL L. MILLHONE.
 JOHN SPEIDEL.

AMENDMENTS FILED

Amend Senate File No. 18

1. By striking out the words and figures "January 1st, 1935" in line one (1), section one (1), and inserting in lieu thereof the words and figures "September 1st, 1934".

2. By striking out the words "manufactured or assembled" in line three (3), section one (1).

3. By striking out the words "manufactured or assembled" in line three (3), section two (2).
PAUL W. SCHMIDT.

Amend Senate File No. 3 by striking all of subsection VI of Section 10 and inserting in lieu thereof the following:

"VI. The period of duration of any existing corporation or association heretofore organized under the laws of this state for any purpose or purposes for which an association might be organized under this act, and whose period of duration is about to expire by limitation is hereby extended to January 1, 1936 and may be renewed under this act in the manner herein provided, and such renewal, if made on or before January 1, 1936, shall be with the same force and effect as if the period of duration of such association had not expired by limitation. FRED W. NELSON.

Amend Senate File No. 3 by striking all of Section 19, including the sectional title therein, and in lieu thereof substituting the following section designated Section 19:

"Sec. 19. "EXPENSES, PAYMENTS, AND APPORTIONMENT OF THE NET INCOME.

I. Associations which render purchasing, selling, processing, or other services as agents for their members, may provide for meeting the costs of operation through dues, assessments or service charges, which shall be prescribed in the by-laws. Such charges shall be high enough to cover current operating expenses, reserves for contingent expenses and for depreciation on the property of the association, and fixed charges on borrowed capital, and may include deductions for a reserve fund as provided for in subsection II hereof. All proceeds or income received by the association in excess of the charges and deductions specified herein shall be distributed equitably among the patrons according to the quantity or value of the commodities handled for each, at such times and in such manner as the by-laws shall prescribe; provided, that nothing contained herein shall be construed as prohibiting an association from making deductions from any net proceeds accruing to patrons for the purpose of creating a revolving fund for the liquidation of indebtedness, or other obligations, provided that such deductions are set up as capital liabilities, and the by-laws shall prescribe the manner in which such deductions shall be made and the manner in which the resulting capital liabilities shall be refunded or liquidated.

II. The board of directors of any association organized under this act, shall annually apportion the net income, if any, as follows:

a. After the expenses of the association have been paid and a proper reserve has been set aside to cover depreciation of the property of the association and for contingent expenses, subject to the approval of the members as provided in subsection III of this section, the directors shall set aside not less than ten percentum of the remaining net income for the accumulation of a reserve fund, until such fund shall equal, but not exceed thirty percentum of the invested capital, or in case of agricultural associations with only a nominal membership capital, until such reserve fund shall equal, but not exceed, one thousand dollars. When a reserve

fund equal to thirty per centum of the invested capital of the association has accumulated, there shall then be set aside ten per centum of the net income which shall be used to retire or redeem any outstanding preferred stock. The directors shall then declare a dividend upon the paid-up capital stock, common or preferred, or upon the membership capital, at a rate per annum not to exceed eight per centum upon the actual cash value of the consideration received by the association therefor; provided that no such dividend upon common stock or membership capital shall be cumulative. The directors shall then allocate all remaining net income to a revolving fund, which shall be credited to the members' account, based in amount upon the volume of business conducted by each member with the association. Such accounts so credited may be represented by allocated patronage dividend certificates issued to the members. The association may credit or issue such certificates to patrons of the association who are not members, based in amount upon the volume of business transacted by such non-members with the association, at the same or lesser rate than the members; provided, that any such credits or certificates issued therefor, to a non-member shall be payable in the form of capital stock or shall be applied to the payment of membership fees or dues in an association without capital stock. When the amount of such credits or certificates shall equal the par value of one share of stock of the association's capital stock, or the membership fees, the non-member patron shall be issued a certificate of stock or membership, and thereafter the distribution to such patron shall be made in the same manner as the distribution to all members; provided further, that such credits or certificates issued therefor to non-members, if in amount shall equal less than the par value of one share or the membership fees, shall be credited to the non-member's account during the first and second year, but shall revert to the revolving fund if, after two years, an amount less than the par value of one share, or the membership fees, has accumulated and the difference is unpaid.

b. Such credits or certificates issued therefor shall be payable annually unless otherwise provided by the by-laws or the terms of the certificates. The credits or certificates shall be paid or redeemed in the order in which credited or issued, but shall not become due except upon the dissolution or liquidation, either voluntary or involuntary, of the association, in which case, such credits or certificates shall be subordinate to the rights of any general creditors or preferred stockholders.

c. If the by-laws so provide, the credits or certificates shall be transferable, provided, that such by-laws are not inconsistent with the provisions of the articles of incorporation or the laws of this state.

III. The members at any regular or special meeting, legally called, may instruct the directors what method of apportionment of net income to follow under the provisions of this section, insofar as these provisions confer discretion upon the directors.

FRED W. NELSON.

Amend Senate File No. 79 by striking out all after the enacting clause and inserting the following:

Section 1. Amend section seventy-two hundred forty-six (7246) of the

Code of Iowa, 1931, by striking from line twelve (12) thereof the words "at least one week" and by inserting in lieu thereof the words "not more than two weeks".

Sec. 2. Nothing herein shall be construed to affect the validity of tax sale notices published prior to November 22d, 1933.

Sec. 3. This Act, being deemed of immediate importance, shall be in full force and effect from and after its passage and publication as provided by law, in the Cedar Falls Record, a newspaper published at Cedar Falls, Iowa, and in the Estherville News, a newspaper published at Estherville, Iowa.

EDW. J. WENNER.

On motion of Senator Wenner the Senate adjourned until 10:00 a. m. tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, NOVEMBER 22, 1933.

The Senate met in regular session, **Byron G. Allen**, Secretary of the Senate, in the chair, in the absence of both President N. G. Kraschel and President pro tempore Harold L. Irwin.

Prayer was offered by Rev. A. R. Weed, pastor of West Star and Worthington Churches, of Winterset, and member of the House of Representatives.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Topping for the remainder of the week, on request of Senator Hicklin; Senator Calhoun for the day, on request of Senator Beardsley.

SELECTION OF TEMPORARY PRESIDENT

Senator Stevens of Wapello moved that Senator Wilson be selected as temporary President of the Senate.

The motion prevailed, and Senator Wilson assumed the duties of presiding officer.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

To the Secretary of the Senate from the State Association of Boards of Supervisors:

Opposing Beatty-Bennett law. Emergency legislation.

Favoring sales tax or net income tax. Tax revision and reorganization.

Favoring change in trucking licenses, relative to overloading. Motor vehicles.

Favoring use of Federal Relief funds for administrative purposes in the county. County and township affairs.

Favoring amendment of election laws. Elections.

Favoring amendment to road poll tax, and partial refund of previous payments. Highways.

Requesting delay in tax sales. Tax revision and reorganization.

Opposing tax on fraternal insurance. Senator Klemme from Knights of Columbus, Cresco. Insurance.

Opposing change in prohibition law. Senator Hush from citizens of Hastings, Henderson and Macedonia. Senators Wilson and Stevens of Decatur from Iowa Tobacco and Candy Wholesalers Association. Liquor control.

Favoring special tax on chain stores. Senator Anderson from citizens of Webster and Calhoun counties. Senator Husted from citizens of Madison and Adair counties. Senator Hopkins from citizens of Dallas, Guthrie and Audubon. Senator Geske from citizens of Clayton county. Senator Beardsley from citizens of Warren and Clarke counties. Senator Klemme from citizens of Howard and Winneshiek counties. Senator Stanley from citizens of Taylor and Adams counties. Senator Carden from citizens of Henry and Washington counties. Senator Miller from citizens of Buchanan and Delaware counties. Senator Booth from citizens of Shelby and Cass counties. Senator Bennett from citizens of Crawford, Harrison, Monona counties. Senator Byers from citizens of Linn county. Senator Pendray from citizens of Jackson county. Senator Nelson from citizens of Boone and Story counties. Senator Moore from citizens of Pottawattamie. Senator Roelofs from citizens of Lyon, Osceola, O'Brien, and Sioux counties. Senator Stevens from citizens of Ringgold, Decatur and Union counties. Senator Coykendall from citizens of Page and Fremont counties. Senator Mullaney from citizens of Fayette and Allamakee counties. Senator Doze from citizens of Lucas and Wayne counties. Senator Wilson from citizens of Polk county. Senator Harrington from citizens of Woodbury county. Senator Hicklin from citizens of Muscatine and Louisa counties. Ways and means.

Favoring licensing of chain stores. Senator Wilson from merchants of Des Moines. Ways and means.

Favoring Senate File 28. Senator Aschenbrenner from citizens of Melrose. Judiciary No. 1.

Favoring gross income tax law. Senator Harrington from Crescent Park and Smith Villa chapters of Sioux City Tax Payers League. Tax revision and reorganization.

HOUSE MESSAGE CONSIDERED

House File No. 40, a bill for an act to amend the law as it appears in section ninety-four hundred twenty (9420), Code, 1931, relating to interest on chattel loans up to three hundred dollars (\$300.00).

Read first and second times and referred to committee on banks and banking.

CONSIDERATION OF SENATE FILE 79 RESUMED

Senator Ritchie called up for consideration Senate File 79, upon which action was deferred on page 116 of the Senate journal.

Senator Wenner offered the following as a substitute to the Beardsley amendment as found on page 116 of the Senate journal, and moved its adoption:

Amend by striking out all after the enacting clause and inserting the following:

Section 1. Amend section seventy-two hundred forty-six (7246) of the Code of Iowa, 1931, by striking from line twelve (12) thereof the words "at least one week" and by inserting in lieu thereof the words "not more than two weeks".

Sec. 2. Nothing herein shall be construed to affect the validity of tax sale notices published prior to November 22d, 1933.

Sec. 3. This Act, being deemed of immediate importance, shall be in full force and effect from and after its passage and publication as provided by law, in the Cedar Falls Record, a newspaper published at Cedar Falls, Iowa, and in the Estherville News, a newspaper published at Estherville, Iowa.

The substitution was made.

The substitute amendment was adopted.

Senator Beardsley moved the previous question on the main bill, which motion prevailed.

Senator Wenner moved that the vote by which the previous question was ordered, be reconsidered, which motion prevailed.

Senator Wenner offered the following amendment and moved its adoption:

Amend sec. 2 by striking the period at the end thereof and adding the following: " , covering the tax sale for the year 1933."

Senator Wenner withdrew his amendment, by unanimous consent.

Senator Wenner offered the following amendment and moved its adoption.

Amend sec. 2 by striking the period at the end thereof and adding the following: " , covering the tax sale to be held April 2, 1934."

Senator Miller of Buchanan moved that action on the bill be deferred until tomorrow morning.

The motion was lost.

The amendment was adopted.

Senator Wenner moved that the reading previously had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 39.

Anderson	Geske	Miller of	Shangle
Aschenbrenner	Hicklin	Buchanan	Stanley
Beardsley	Hill	Miller of Jones	Stevens of
Bennett	Hush	Mullaney	Decatur
Booth	Husted	Nelson	Stevens of
Byers	Kimberly	Patterson	Wapello
Chrystal	Klemme	Pendray	Tripp
Coykendall	Knudson	Reese	Valentine
Doze	Leo	Ritchie	Wenner
Elthon	Meyer	Roelofs	Wilson
Frailey		Schmidt	

Nays, 3.

Baldwin	Fisch	Moore
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Absent or not voting, 8.

Beatty	Carden	Hopkins	McArthur
Calhoun	Harrington	Irwin	Topping

The bill having received a constitutional majority was declared to have passed the Senate.

By unanimous consent, on request of Senator Wenner, the title was amended by striking the word "suspend" and inserting in lieu thereof the word "amend"; also by striking the following:

“, until February 15, 1935”; also by striking the word “emergency” from line 2.

The amendment was adopted and the title as amended was agreed to.

Senator Wenner moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table, which motion prevailed.

By unanimous consent, on request of Senator Ritchie, the bill was messaged to the House immediately.

THIRD READING OF BILLS

On motion of Senator Bennett, Senate File No. 3, a bill for an act to revise and modernize the laws of this state relating to certain co-operative corporations with or without capital stock; to provide for the Incorporation, Regulation and Dissolution of such corporations; to define certain Terms used in this act; to enumerate the Powers and Purposes of such corporations; to prescribe the Rights, Privileges and Obligations of membership therein; to provide for the Marketing Contracts and Remedies for Breach of said contracts; to provide for By-Laws and what they shall contain; to extend the Provisions of this Act to certain corporations; to require certain Reports to be filed; to provide for certain Fees and Penalties to be paid the Secretary of State; to repeal Chapter 389 of the Code, 1931, relating to Co-operative Associations with Capital Stock; to repeal Chapter 390 of the Code, 1931 relating to Non Profit Sharing Co-operative Associations; and to repeal Chapter 391 of the Code, 1931 relating to Collective Bargaining, was taken up, considered, and the report of the committee adopted.

The following committee amendments were considered:

1. By striking the period after the last word of paragraph (a) of Section 1 and adding the following:

“as a cooperative association, controlled by and operated for the mutual benefit of its members as producers or consumers of the products handled or services rendered by it, in which the return on the stock or membership capital is limited to an amount not to exceed eight per centum per annum, which during any fiscal year does not deal in non-members’ products or make purchases for non-members who are not producers to an amount greater in value than that permitted by paragraph (j) of Section 4 of this act.”

2. By striking all of paragraph (b) of Section 1 and in lieu thereof substituting the following:

(b) Associations organized hereunder are deemed non-profit, inasmuch as they are not organized to make profit for themselves, as such, nor for their members, as such, but only for their members as producers or consumers.

3. By striking the word "twenty-five" in paragraph (j) of Section 4 and in lieu thereof inserting the following:

"an amount equal to thirty-three and one-third" and

By inserting after the word "shipping" and before the word "associations" in line 65 of the printed bill,

"or selling"

4. By striking in subdivision II of Section 15 the following words and punctuation marks,

"stock, without" and the comma after the word "interest" so that as amended the clause shall read "—the actual value of his interest in the association," — and

By adding the following paragraph to be designated as subdivision III.

III. If the association and the member cannot agree upon the value of his interest in the association at the time of his withdrawal or the termination of his membership or his expulsion, as provided in this section, such value shall be ascertained by three disinterested persons, one of whom shall be named by the member, another by the association and the third by the two thus chosen. The findings of the appraisers shall be final, and if their award is not paid by the association within the time herein provided, it may be recovered in an action by the member against the association. Upon payment by the association to the member of the agreed or awarded price, he shall forthwith surrender his membership to the association or transfer and assign the stock held by him at, and in accordance with, the request of the association.

5. By striking the word "shares" in section 17 and substituting therefor the word "share".

6. By adding the following sentence after the last word in Section 18: "Voting by proxy shall be prohibited."

7. By inserting in Section 38 after the word "agreements" the following:

"between the association and its members, or any agreements".

8. In Section 15, the title, change the word "OF" before the word "STOCK" to "OR".

Senator Nelson moved the adoption of the committee amendments.

The amendments were adopted.

Senator Nelson offered the following amendment and moved its adoption:

Amend by striking all of subsection VI of Section 10 and inserting in lieu thereof the following:

"VI. The period of duration of any existing corporation or association

heretofore organized under the laws of this state for any purpose or purposes for which an association might be organized under this act, and whose period of duration is about to expire by limitation is hereby extended to January 1, 1936 and may be renewed under this act in the manner herein provided, and such renewal, if made on or before January 1, 1936, shall be with the same force and effect as if the period of duration of such association had not expired by limitation.

The amendment was adopted.

Senator Nelson offered the following amendment and moved its adoption:

Amend by striking all of Section 19, including the sectional title therein, and in lieu thereof substituting the following section designated Section 19: "Sec. 19. EXPENSES, PAYMENTS, AND APPORTIONMENT OF THE NET INCOME.

I. Associations which render purchasing, selling, processing, or other services as agents for their members, may provide for meeting the costs of operation through dues, assessments or service charges, which shall be prescribed in the by-laws. Such charges shall be high enough to cover current operating expenses, reserves for contingent expenses and for depreciation on the property of the association, and fixed charges on borrowed capital, and may include deductions for a reserve fund as provided for in subsection II hereof. All proceeds or income received by the association in excess of the charges and deductions specified herein shall be distributed equitably among the patrons according to the quantity or value of the commodities handled for each, at such times and in such manner as the by-laws shall prescribe; provided, that nothing contained herein shall be construed as prohibiting an association from making deductions from any net proceeds accruing to patrons for the purpose of creating a revolving fund for the liquidation of indebtedness, or other obligations, provided that such deductions are set up as capital liabilities, and the by-laws shall prescribe the manner in which such deductions shall be made and the manner in which the resulting capital liabilities shall be refunded or liquidated.

II. The board of directors of any association organized under this act, shall annually apportion the net income, if any, as follows:

a. After the expenses of the association have been paid and a proper reserve has been set aside to cover depreciation of the property of the association and for contingent expenses, subject to the approval of the members as provided in subsection III of this section, the directors shall set aside not less than ten percentum of the remaining net income for the accumulation of a reserve fund, until such fund shall equal, but not exceed thirty percentum of the invested capital, or in case of agricultural associations with only a nominal membership capital, until such reserve fund shall equal, but not exceed, one thousand dollars. When a reserve fund equal to thirty percentum of the invested capital of the association has accumulated, there shall then be set aside ten percentum of the net income which shall be used to retire or redeem any outstanding preferred

stock. The directors shall then declare a dividend upon the paid-up capital stock, common or preferred, or upon the membership capital, at a rate per annum not to exceed eight percentum upon the actual cash value of the consideration received by the association therefor; provided that no such dividend upon common stock or membership capital shall be cumulative. The directors shall then allocate all remaining net income to a revolving fund, which shall be credited to the members' account, based in amount upon the volume of business conducted by each member with the association. Such accounts so credited may be represented by allocated patronage dividend certificates issued to the members. The association may credit or issue such certificates to patrons of the association who are not members, based in amount upon the volume of business transacted by such non-members with the association, at the same or lesser rate than the members; provided, that any such credits or certificates issued therefor, to a non-member shall be payable in the form of capital stock or shall be applied to the payment of membership fees or dues in an association without capital stock. When the amount of such credits or certificates shall equal the par value of one share of stock of the association's capital stock, or the membership fees, the non-member patron shall be issued a certificate of stock or membership, and thereafter the distribution to such patron shall be made in the same manner as the distribution to all members; provided further, that such credits or certificates issued therefor to non-members, if in amount shall equal less than the par value of one share or the membership fees, shall be credited to the non-member's account during the first and second year, but shall revert to the revolving fund if, after two years, an amount less than the par value of one share, or the membership fees, has accumulated and the difference is unpaid.

b. Such credits or certificates issued therefor shall be payable annually unless otherwise provided by the by-laws or the terms of the certificates. The credits or certificates shall be paid or redeemed in the order in which credited or issued, but shall not become due except upon the dissolution or liquidation, either voluntary or involuntary, of the association, in which case, such credits or certificates shall be subordinate to the rights of any general creditors or preferred stockholders.

c. If the by-laws so provide, the credits or certificates shall be transferable, provided, that such by-laws are not inconsistent with the provisions of the articles of incorporation or the laws of this state.

III. The members at any regular or special meeting, legally called, may instruct the directors what method of apportionment of net income to follow under the provisions of this section, insofar as these provisions confer discretion upon the directors.

By unanimous consent, on request of Senator Nelson, the above amendment, as found on page 132 of the Senate journal, was amended by striking from line 11 of subsection I the word "commodities" and inserting in lieu thereof the word "products"; also by striking from sub-section I all following the word "prescribe" as it appears in line 12.

The amendment as amended was adopted.

The bill was read for information.

Senator Nelson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 45.

Anderson	Elthon	Leo	Roelofs
Aschenbrenner	Fisch	Meyer	Schmidt
Baldwin	Frailey	Miller of	Shangle
Beardsley	Geske	Buchanan	Stanley
Beatty	Harrington	Miller of Jones	Stevens of
Bennett	Hicklin	Moore	Decatur
Booth	Hill	Mullenay	Stevens of
Byers	Hopkins	Nelson	Wapello
Carden	Husted	Patterson	Tripp
Chrystal	Kimberly	Pendray	Valentine
Coykendall	Klemme	Reese	Wenner
Doze	Knudson	Ritchie	Wilson

Nays, 1.

Hush

Absent or not voting, 4.

Calhoun	Irwin	McArthur	Topping
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendments No. 2 and 3 and refused to concur in Senate amendment No. 1 to the following bill in which the concurrence of the House was asked:

House File No. 87, a bill for an act relating to assessments and double liabilities of corporations organized as a state or savings bank or trust company.

VIRGL LEKIN, *Chief Clerk.*

By unanimous consent, on request of Senator Valentine, the rules were suspended and House message on House File 87 was taken up and considered.

Senator Valentine moved that the Senate recede from the Wenner amendment as adopted on page 120 of the Senate journal.

Roll call was demanded.

On the question, "Shall the motion to recede prevail?" the vote was:

Ayes, 26.

Aschenbrenner	Frailey	Miller of Jones	Shangle
Baldwin	Geske	Moore	Stevens of
Bennett	Harrington	Mullaney	Decatur
Booth	Hill	Pendray	Stevens of
Byers	Leo	Reese	Wapello
Coykendall	Miller of	Roelofs	Tripp
Doze	Buchanan	Schmidt	Valentine
Fisch			

Nays, 14.

Anderson	Hush	Meyer	Stanley
Beatty	Husted	Patterson	Wenner
Elthon	Klemme	Ritchie	Wilson
Hopkins	Knudson		

Absent or not voting, 10.

Beardsley	Chrystal	Kimberly	Nelson
Calhoun	Hicklin	McArthur	Topping
Carden	Irwin		

The Senate recessed from the Wenner amendment.

On motion of Senator Harrington the Senate recessed until 1:00 p. m., today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 79, a bill for an act relating to the notice of tax sale and service of such notice.

VIRGIL LEKIN, *Chief Clerk.*

CALENDAR OF SENATE

Senator Geske moved that a calendar of bills before the Senate be posted each day on the bulletin board not later than 4:30 p. m.

The motion prevailed.

Senator Beardsley moved that the Senate send a telegram of congratulations to Senator and Mrs. John N. Calhoun on the birth of a son and submitted the following draft:

Des Moines, Iowa, November 22, 1933.

MASTER JOHN RAINS CALHOUN,
Jefferson County Hospital, Fairfield, Iowa.

The members of the Iowa State Senate in Extraordinary Session assembled tender felicitations and heartiest good wishes to yourself and your proud parents.

THE MEMBERS OF THE SENATE,
BYRON G. ALLEN, *Secretary*.

The motion prevailed.

By unanimous consent on request of Senator Ritchie, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 84, by committee on agriculture, a bill for an act to amend the law as it appears in sections thirty-two hundred forty-four-b one (3244-b1), thirty-two hundred forty-four-b three (3244-b3) and thirty-two hundred forty-four-b six (3244-b6), Code, 1931, relating to certain standards as to weight of bread, providing penalties for violation, and authorizing the secretary of agriculture to make rules and regulations for the enforcement of the law pertaining to bread, and amending Chapter one hundred sixty-one (161), Code, 1931, relating to the time, place and manner of weighing bread.

Read first and second times and placed on the calendar.

Senate File No. 85, by committee on agriculture, a bill for an act to repeal sections three thousand eighty-nine (3089), three thousand ninety (3090), three thousand ninety-one (3091), and three thousand ninety-two (3092), Code, 1931, and to enact substitutes therefor, relating to the Iowa Butter trademark; and to create the Iowa Butter Control Board, to define its powers and duties, and to vest title to the Iowa State Butter Trademark in the Iowa Trademark Butter Association.

Read first and second times and placed on the calendar.

Senate File No. 86, by Senator Mullaney, a bill for an act to make an appropriation to D. W. Wolfe.

Read first and second times and referred to committee on claims.

Senate Joint Resolution No. 3, by Senator Harrington, a bill for an act amending senate joint resolution No. 2, acts of the forty-

fifth general assembly in extraordinary session, fixing the compensation of officers and employees of the forty-fifth general assembly in extraordinary session.

Read first and second times.

By unanimous consent, on request of Senator Harrington, the rules were suspended and Senate Joint Resolution No. 3 was placed on the calendar.

The journal of November 21st was corrected and approved.

On motion of Senator Beatty the Senate adjourned until 10:00 a. m., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, NOVEMBER 23, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. C. B. Raybill, pastor of the M. E. Church of Leon.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Irwin for the day on request of Senator Wilson.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring House File 92, Senator Wilson from Local Union 3492 of United Mine Workers of America, Des Moines. Mines and mining.

Opposing change in House File 79. Senator Wilson from Local Unions 55 and 3492 of the United Mine Workers of America, Des Moines. Insurance.

Favoring special tax on chain stores. Senator Fisch from citizens of Cherokee, Ida and Plymouth counties. Senator Knudson from citizens of Hamilton, Hardin and Wright counties. Senator Tripp from citizens of Jasper county. Senator Hush from citizens of Mills and Montgomery counties. Ways and means.

Favoring gross income or gross sales tax. Senator Wilson from members of Building Industry of Des Moines. Tax revision and reorganization.

Opposing liquor stores operated by the state. Senator Husted from Iowa Tobacco and Candy Wholesalers Association. Liquor control.

Favoring retention of county engineers. Senator Stanley from citizens of Bedford. County and township affairs.

INTRODUCTION OF BILLS

Senate File No. 87, by Senator Tripp, a bill for an act to amend section twenty-eight hundred twelve (2812), Code, 1931, relating to the annual license fee to be paid by restaurants, and to amend Chapter one hundred thirty-three (133), Code, 1931, by adding thereto sections twenty-eight hundred twelve-a (2812-a) and twenty-eight hundred twelve-b (2812-b); providing for an inspection fee from any restaurant hereafter opened or hereafter changing ownership, and providing for the creation of a separate fund in the hands of the state treasurer to be known as the restaurant fund, and limiting the purpose for which said fund may be used.

Read first and second times and referred to committee on public health.

Senate File No. 88, by Senator Miller of Buchanan, a bill for an act to make permanent the transfer of funds from the secondary road fund of Buchanan county to the poor fund of said county.

Read first and second times and referred to committee on county and township affairs.

Senate File No. 89, by Senator Wilson, a bill for an act amending Section two (2) of Chapter One Hundred Twenty-Three (123) of the Acts of the Forty-Fifth General Assembly relating to exceptions to mandatory tax reductions.

Read first and second times and referred to committee on reduction of public expenditures.

Senate File No. 90, by Senator Elthon, a bill for an act to amend and clarify Section forty-one hundred seventy-nine (4179), Code, 1931, relating to the transportation of pupils attending school in consolidated school districts.

Read first and second times and referred to committee on public schools.

Senate File No. 91, by Senator Hopkins, a bill for an act to repeal section forty-two hundred thirty-one (4231), code 1931, relating to the closing of schools because of lack of attendance, and to enact a substitute therefor.

Read first and second times and referred to committee on public schools.

REPORT OF TYPEWRITER RENTAL COMMITTEE

The report as found on page 108 of the Senate journal was taken up and considered.

Senator Knudson moved its adoption.

The motion prevailed.

THIRD READING OF BILLS

By unanimous consent, on request of Senator Valentine, action was deferred on Senate File 50, such bill to retain its place on the calendar.

By unanimous consent, on request of Senator Schmidt, action was deferred on Senate File 17, such bill to retain its place on the calendar.

On motion of Senator Harrington, Senate Joint Resolution 3, a bill for an act amending senate joint resolution No. 2, acts of the forty-fifth general assembly in extraordinary session, fixing the compensation of officers and employees of the forty-fifth general assembly in extraordinary session, was taken up and considered.

The resolution was read for information.

Senator Harrington moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the resolution pass?" the vote was:

Ayes, 42.

Baldwin	Frailey	Meyer	Roelofs
Beardsley	Geske	Miller of	Shangle
Beatty	Harrington	Buchanan	Stanley
Bennett	Hill	Miller of Jones	Stevens of
Booth	Hopkins	Moore	Decatur
Byers	Hush	Mullaney	Stevens of
Calhoun	Husted	Nelson	Wapello
Carden	Kimberly	Patterson	Tripp
Coykendall	Klemme	Pendray	Valentine
Doze	Knudson	Reese	Wenner
Elthon	Leo	Ritchie	Wilson
Fisch			

Nays, none.

Absent or not voting, 8.

Anderson	Chrystal	Irwin	Schmidt
Aschenbrenner	Hicklin	McArthur	Topping

The resolution having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Ritchie, Senate File 84, a bill for an act to amend the law as it appears in sections thirty-two hundred forty-four-b one (3244-b1), thirty-two hundred forty-four-b three (3244-b3) and thirty-two hundred forty-four-b six (3244-b6), Code, 1931, relating to certain standards as to weight of bread, providing penalties for violation, and authorizing the secretary of agriculture to make rules and regulations for the enforcement of the law pertaining to bread, and amending Chapter one hundred sixty-one (161), Code, 1931, relating to the time, place and manner of weighing bread, an agriculture committee bill was taken up, and considered.

The bill was read for information.

Senator Frailey was called to the chair at 10:30 a. m.

By unanimous consent, on request of Senator Ritchie, action on Senate File No. 84 was deferred temporarily.

On motion of Senator Ritchie, Senate File 85, a bill for an act to repeal sections three thousand eighty-nine (3089), three thousand ninety (3090), three thousand ninety-one (3091), and three thousand ninety-two (3092), Code, 1931, and to enact substitutes therefor, relating to the Iowa Butter trademark; and to create the Iowa Butter Control Board, to define its powers and duties, and to vest title to the Iowa State Butter Trademark in the Iowa Trademark Butter Association, an agriculture committee bill, was taken up and considered.

Senator Elthon offered the following amendment and moved its adoption:

Amend Sec. 4 by inserting in line 12 after the word "Iowa" the word "Butter".

The amendment was adopted.

Senator Stevens of Decatur moved the previous question on the bill, which motion prevailed.

The bill was read for information.

Senator Nelson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 44.

Aschenbrenner	Fisch	McArthur	Roelofs
Baldwin	Frailey	Meyer	Schmidt
Beardsley	Geske	Miller of	Shangle
Beatty	Harrington	Buchanan	Stanley
Bennett	Hill	Miller of Jones	Stevens of
Booth	Hopkins	Moore	Decatur
Byers	Hush	Mullaney	Stevens of
Calhoun	Husted	Nelson	Wapello
Carden	Kimberly	Patterson	Tripp
Coykendall	Klemme	Pendray	Wenner
Doze	Knudson	Reese	Wilson
Elthon	Leo	Ritchie	

Nays, none.

Absent or not voting, 6.

Anderson	Hicklin	Topping	Valentine
Chrystal	Irwin		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on his own request, Senator Aschenbrenner was excused for the rest of the day.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 5, a bill for an act relating to entering of judgment and prescribing the practice in such cases by the Supreme Court.

Also, that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 34, a bill for an act relating to nepotism.

VIRGIL LEKIN, *Chief Clerk.*

CONSIDERATION OF SENATE FILE 84 RESUMED

Senator Ritchie called up for consideration Senate File 84, upon which action was deferred just previously.

Senator Wenner offered the following amendment and moved its adoption:

Amend by striking Section 1 and renumbering the remaining sections.

The amendment was adopted.

Senator Beardsley offered the following amendment and moved its adoption:

Amend by adding the following section:

Sec. 4. Section thirty-two hundred forty-four-b one (3244-b1), Code, 1931, is amended by striking from line seven (7) thereof the words "one-half pound" and inserting in lieu thereof the words "three-quarters pound".

The amendment was adopted.

Senator Ritchie moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 33.

Anderson	Frailey	Meyer	Shangle
Beardsley	Geske	Mullaney	Stanley
Beatty	Harrington	Nelson	Stevens of
Booth	Hill	Patterson	Decatur
Carden	Hopkins	Pendray	Stevens of
Chrystal	Hush	Reese	Wapello
Coykendall	Klemme	Ritchie	Valentine
Doze	Knudson	Roelofs	Wenner
Elthon	Leo	Schmidt	

Nays, none.

Absent or not voting, 17.

Aschenbrenner	Fisch	McArthur	Moore
Baldwin	Hicklin	Miller of	Topping
Bennett	Husted	Buchanan	Tripp
Byers	Irwin	Miller of Jones	Wilson
Calhoun	Kimberly		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Ritchie moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Patterson, House File 39 was taken up and considered.

On motion of Senator Patterson, House File 39, a bill for an act to amend Section fifty-seven hundred twenty (5720), Code, 1931, pertaining to the posting of ordinances of a general or permanent nature, was taken up and considered.

The bill was read for information.

Senator Patterson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Anderson	Fisch	Meyer	Shangle
Baldwin	Frailey	Miller of Jones	Stanley
Beardsley	Geske	Mullaney	Stevens of
Booth	Hicklin	Nelson	Decatur
Byers	Hill	Patterson	Stevens of
Calhoun	Hopkins	Pendray	Wapello
Carden	Husted	Reese	Tripp
Chrystal	Kimberly	Ritchie	Valentine
Coykendall	Klemme	Roelofs	Wenner
Doze	Knudson	Schmidt	Wilson
Elthon	Leo		

Nays, none.

Absent or not voting, 10.

Aschenbrenner	Harrington	McArthur	Moore
Beatty	Hush	Miller of	Topping
Bennett	Irwin	Buchanan	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Patterson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

The Senate recessed until the fall of the gavel.

The Senate reconvened at the fall of the gavel, President N. G. Kraschel presiding.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, Senate Files 70 and 79, and House File 87.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The president of the senate announced that, as president of the senate, he had signed in the presence of the senate, Senate Files 70 and 79, and House File 87.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 23d day of November, 1933, sent to the Governor for his approval, Senate Files 70 and 79. HOMER HUSH, *Chairman*.

Passed on file.

REPORT OF COMMITTEE

Senator Valentine submitted the following report:

MR. PRESIDENT: Your committee on constitutional amendments to which was referred Senate Joint Resolution No. 1, a bill for an act ratifying a proposed amendment to the constitution of the United States of America, relative to the labor of persons under eighteen (18) years of age, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN K. VALENTINE, *Chairman*.

Ordered passed on file.

REPORT OF SPECIAL GASOLINE TAX REFUND COMMITTEE

TO THE 45TH GENERAL ASSEMBLY: Special Session.

The Joint Committee appointed in pursuance of House Joint Resolution No. 9 of the regular session of the 45th General Assembly to make an investigation of the refunds made of motor vehicle fuel license fees and to make such recommendation as they deem proper to improve the administrative features of the law, beg leave to submit the following report:

Your Committee commenced its investigation immediately following the adjournment of the regular session of the 45th General Assembly and in the prosecution of its work had the cooperation and assistance of the Attorney General's office, and particularly of the special Assistant Attorney General in charge of litigation in connection with motor vehicle fuel license fee matters, and in addition your Committee employed to assist it an accountant and other clerical help in auditing some of the claims.

Your Committee found that the matter of paying refunds has been during the years past, very loosely handled in the Treasurer's office, and that in 1932, particularly in the latter part of that year, the machinery for handling those claims seems to have completely broken down, especially where claims of contractors and alleged contractors were involved.

Prior to the 16th day of December, 1931, claims of contractors for refunds of motor vehicle fuel used in tractors in construction work on highways shut off from public travel were not allowed by the Treasurer's Office. On that date the Supreme Court in the case of Des Moines Asphalt Paving Company vs. Johnson decided that contractors were entitled to a refund on such motor vehicle fuel.

Thereafter at least two attorneys in Des Moines, who maintained a close personal contact with certain men in the Treasurer's Office who passed upon refund claims, employed solicitors on a commission basis to canvass the State and solicit claims from contractors. These claims were taken on a fifty per cent contingent fee basis and numerous claims were then presented in large amounts by contractors and alleged contractors. One witness working on a contingent basis testified before the committee, revealing the fact that he received approximately \$7,000.00 for three or four months work. Such claims were presented and paid, sometimes upon merely a vague statement contained in the affidavit of the claimant and covering alleged purchases as much as five or six years previous and without any original invoices attached showing such purchases to have been made. Such claims also indicated the payment of many claims based upon duplicate invoices which had previously been paid, in spite of the fact that the law during all of that time limited the right of the Treasurer to pay refunds to cases where the claim was filed within ninety days of the purchase, and the purchase was evidenced by an original invoice attached to the claim. In some instances a refund of three cents per gallon was made on motor vehicle fuel which the claim showed was purchased at a time when the license fee collected by the State was only two cents per gallon.

There was evidence quite conclusive in its nature that these attorneys and others engaged in the same racket were splitting their fees with certain employees in the Treasurer's office, whose duty it was to pass upon and allow refund claims. In fact one employee of the former Treasurer's office confessed to receiving such a division.

The Committee made a detailed study of claims allowed to about sixteen different claimants, who claimed to have used motor vehicle fuel in construction work upon the public highway.

For the purpose of securing the information embodied in this report, for claims investigated, the Committee met five times, calling many witnesses before the Committee, and employed help, finally having to cease its activities because of lack of funds. The Committee used its appropriation as follows to-wit:

Auditors	\$774.39	
Auditor's Help	125.00	
Stenographer and Reporter	233.56	
		\$1,132.95
Expenses of Committee Meeting—Mileage @ 5c.....		223.75
Miscellaneous—		
Telephone, Telegraph, Office Supplies		68.48
Photostat Paper		60.00
		<hr/>
Total Expense		\$1,485.18
Money collected in cash		978.50
		<hr/>
Total Cost to State of Iowa for Investigation.....		\$ 506.68

The following audited claims were selected somewhat at random and the Committee believes are fairly representative of the hundreds that

were allowed such contractors and alleged contractors. The information concerning the overpayment to each of said claimants, whose claims were audited, are open for inspection to the Legislature, as photostatic copies have been made of same. The following audited claims may be summarized as follows:

	Overpaid on Account of Error in Computation	Overpaid on on Acc't of Gallage Duplication	Overpaid on Acc't of Gal- lonage not Represented by invoices within 90 days	Total
Wilson Constr. Co.	\$ 366.25	\$ 232.50	\$ 8,431.35	\$ 9,030.10
Herrick Paving Company	240.18	124.02	1,541.58	1,905.78
Henry L. Lemons, Inc.		230.58	1,645.23	1,875.81
D. J. Ryan Constr. Co.		421.59	12,871.81	13,293.40
Guy Longebone90	7.50	11,970.82	11,979.22
J. W. Ault	17.40	26.70	2,374.86	2,418.96
E. V. Martin	95.46	713.76	@ 2c 2,381.68	10,787.87
			@ 3c 7,646.97	
Larson Construction Co.	61.23	4,534.11	5,513.40	10,108.74
(Highway Constr. Co.)				
Carlson Constr. Co. (Nebr.)	58.77	324.75	9,108.15	9,491.67
Carlson Constr. Co. (Iowa)	1.56	61.05	1,049.64	1,112.25
H. Miller	186.71		1,202.46	1,389.17
Littig Construction Co.	38.25	(61.59)	4,671.60	4,738.26
Ben C. Johnson		133.65	1,972.41	2,106.06
Herman Anderson	998.85		1,974.54	2,973.39
A. L. Mack			3,671.25	3,671.25
	\$2,015.56	\$6,810.21	\$77,977.75	\$86,803.52

Making a total of \$86,803.52 paid in refunds not in accordance with the code.

The Committee's investigation disclosed that the last two claimants listed above, are mythical and that no such claimants exist. The claims presented in the name of Herman Anderson, were prepared and presented by an employee in the office of the former Treasurer co-operating with an attorney in Des Moines. The other claim, that of A. L. Mack, was prepared and presented by the same employee in the former Treasurer's Office co-operating with a relative who went to Minnesota for the purpose of sending in the claim from there. The evidence showed that the employee in the Treasurer's Office and the person co-operating with him split the proceeds of the claim when presented. These facts were brought to light as the result of the work of the committee.

Another class of claims which has come to the Committee's notice involved the payment of refunds to two oil companies which the Committee believe to be illegal and unauthorized. The statutes of the State of Iowa provide that all distributors receiving motor vehicle fuel from outside the State shall report to the Treasurer of State the invoiced gallonage of each tank car or other receptacle in which motor vehicle fuel is imported into the State and permits such distributor to deduct 3 per cent thereof for evaporation and loss.

These two companies had been making the 3% deduction as permitted by law and then coming in later and filing claims for refund for the actual evaporation and loss or the difference between the invoiced gallonage and the unloaded gallonage of each tank car. These refund claims have reached in the case of one company \$1200.00 to \$1500.00 per month, and in the other to \$400.00 or \$500.00 per month, and an audit of the amount which they have heretofore been paid on claims of that character, discloses that the one company has received approximately \$100,000.00 and the other about \$16,000.00. As a result of the testimony taken from many

witnesses during the investigation, the Committee recommended, on or about June 10th, 1933 and upon advice of the Attorney General, the Treasurer's Office was instructed and is now refusing to pay refund claims of that character. The refusal of the Treasurer's Office to pay these claims has been saving to the State of Iowa up to this time approximately \$10,000.00. Suit has been brought against these two oil companies as well as other audited claims to recover the illegal payments heretofore received by them and trial of said suits is expected in the near future.

On investigation at the present time the records show that there has been a decrease in the payment of gasoline refunds, during the first ten months of 1933, of \$313,658.41. There were 130,474 claims in the first ten months of 1932 and 142,632 during the first ten months of 1933, an increase in claims of 12,158 in the first ten months of 1933 and a decrease in the cost of administration for first ten months of 1933 of \$62,120.34. While there has not been as much contracting business this year as before, some of this decrease has been due to the fact that the Treasurer's Office has refused to pay many claims.

The ordinary refund claim affords an opportunity for fraud and such fraud is not easy to detect. For example, the present administration of the Treasurer's Office is exercising special diligence to prevent the payment of fraudulent claims and yet during the present year it has been discovered that an employee of the former Treasurer had stolen a book of invoices from an oil company and from time to time would make out these invoices, attach them to a claim for refund and under an assumed name send them in from different points over the State. This fraud was finally discovered and the man plead guilty and was sentenced. In another instance where the suspicions of the Treasurer's office were aroused, an investigation disclosed that a man had bought kerosene and altered the invoice so as to show the purchase of gasoline and had altered another invoice covering the purchase of gasoline so as to increase the amount. This fraud also was discovered and the man convicted. These two instances were brought to light and prosecuted by reason of the high degree of diligence and care which is now being exercised in the Treasurer's office, but the Committee is convinced that there are other claims where the fraud cannot be detected from the face of the claim and where the claimants are using motor vehicle fuel in vehicles and claiming a refund thereon.

RECOMMENDATIONS

1. The Committee, as a result of their investigation feel that the present law should be changed for the purpose of eliminating the many fraudulent refunds discovered by the Committee and we recommend that when the law is changed that refunds be limited to gasoline used for agricultural purposes.

2. Should it be deemed advisable to limit it as above provided, your Committee recommends that such changes be made in the law with reference thereto as will safeguard as far as possible the interests of the State and reduce correspondingly the opportunities for fraud. In the first place, the law now seems to contemplate that the Treasurer shall have no

discretion in the matter, but provides that he shall upon the filing of the requisite affidavit, issue the warrant for payment of the claim. A much more complete and conclusive showing should be required of claimants and claims should be fortified with a supporting affidavit by some person other than the claimant and the Treasurer should be given some discretion in the matter and be permitted to make an investigation to determine whether or not a particular claim should be allowed. In the second place, your Committee feels that the Treasurer should be given a little more latitude in the matter of compensating the personnel in his office. During last year when the irregularities which have been mentioned in this report occurred, the matter of passing on refund claims amounting in many instances to \$150,000.00 to \$200,000.00 per month, was entrusted to clerks receiving a clerk's compensation. Men handling transactions of that importance should not have the status of clerk and the Treasurer should be empowered to seek and adequately compensate people capable of giving to the State the kind of service that that particular task requires.

3. Your Committee believes that it should be continued and provided with a sufficient fund to enable it to complete the investigation and the Committee believes that the sum which will be recovered by the State will be many times more than the expenditures made in the investigation. Your Committee believes that in view of the current interest in the collection of motor vehicle license fees that its powers should be enlarged to cover an investigation of that subject.

4. There are many cases now pending in the courts involving the collection of motor vehicle fuel license fees, and the Special Council representing the State in those cases procured a decree yesterday in the United States District Court for the Southern District of Iowa, which released to the State about \$118,000.00 of motor vehicle license fees which had been held in trust pending the outcome of the litigation. Other suits are pending, involving large sums, and which will be tried as rapidly as an opportunity is afforded to present the matter to the court. There are complaints that certain products are being sold under the name of tractor fuel, which is being used as motor vehicle fuel, and your committee's attention has been called to certain defects in the law with reference to enforcement and the definition of motor vehicle fuel as contained in the present law. Your committee believe it should be continued to investigate all such matters, and your committee will present a bill to revise the law with reference to motor vehicle fuel license fees so as to strengthen the enforcement provisions of the present law.

HAROLD L. IRWIN, *Chairman*

VINCENT F. HARRINGTON

IRVING H. KNUDSON

On the part of the Senate.

C. O. MOORE, *Chairman*

JOHN H. MITCHELL

PAUL H. CUNNINGHAM

On the part of the House.

The journal of November 22d was corrected and approved.

AMENDMENTS FILED

Amend Senate File No. 17 by adding as a new section the following:
 "Sec. 2. This act being deemed of immediate importance shall be in

full force and effect after its publication in the Johnson County Democrat, a newspaper published at Oxford, Iowa, and the Pioneer Republican, a newspaper published at Marengo, Iowa." PAUL W. SCHMIDT.

Amend Senate File No. 17 by striking therefrom all of section one (1) after the word "amended" in the fourth (4th) line thereof, and adding in lieu thereof the following: "by adding after the comma following the word 'returning' in the second (2nd) line thereof the following words: 'ten cents per mile for serving original notices and all other papers and processes in civil cases and civil matters, and in all other cases'".

CLAUDE STANLEY.

On motion of Senator Doze the Senate adjourned until 10:00 a. m., tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, NOVEMBER 24, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. J. W. Tutt, pastor of the Union Baptist Church, of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Opposing proposed bill regulating purchase of livestock. Senator Schmidt from producers and shippers of Oxford and Iowa City. Geo. Clearman of Oxford. Senator Stanley from Earl R. Ferguson and Clair E. Russell, Secretary Chamber of Commerce, Shenandoah. Agriculture.

Favoring special tax on chain stores. Senator Miller from citizens of Jones and Cedar counties. Senator Baldwin from citizens of Dubuque county. Senator Wenner from citizens of Grundy and Blackhawk counties. Senator Chrystal from citizens of Sac, Green and Carroll counties. Senator Patterson from citizens of Emmet, Palo Alto, Clay, Dickinson and Kossuth counties. Ways and means.

Favoring Child Labor Amendment. Senator Reese from Twentieth Century Club of Marshalltown. Labor.

Opposing liquor stores operated by state. Senator Wenner from Iowa Tobacco and Wholesalers Association. Liquor control.

INTRODUCTION OF BILLS

Senate File No. 92, by Senator Frailey, a bill for an act to amend Section ninety-six hundred eighty-eight (9688) of the Code, 1931, relating to warehouseman's lien against certain property.

Read first and second times and referred to committee on judiciary No. 1.

Senate File No. 93, by committee on motor vehicles, a bill for an act relating to storage affidavits on motor vehicles for the year 1933 and registration fees and penalties, Section Forty-nine hundred four-A (4904-A).

Read first and second times and placed on the calendar.

Senate File No. 94, by committee on motor vehicles, a bill for an act to amend Section Forty-nine Sixty-D Thirty-Two (4960-d32) Code of Iowa, 1931, relating to reporting of convictions and recommendations of suspension of Operator's or Chauffeur's licenses.

Read first and second times and placed on the calendar.

Senate File No. 95, by Senator Hopkins, by request, a bill for an act to amend section thirty-three (33), chapter eighty-nine (89), Acts of the 45th General Assembly relating to salaries of deputy county officials.

Read first and second times and referred to committee on reduction of public expenditures.

Senate File No. 96, by Senator Shangle, by request, a bill for an act to amend sections five thousand seven hundred sixty-eight (5768), six thousand one hundred twenty-seven (6127), six thousand one hundred thirty (6130), six thousand one hundred thirty-five (6135) and six thousand one hundred forty-two (6142) of the Code, 1931, relating to the powers of cities and towns to erect and operate public utility plants.

Read first and second times and referred to committee on cities and towns.

Senate File No. 97, by Senator Carden, a bill for an act to amend section nineteen hundred ninety (1990), Code, 1931, relative to the condemnation of intoxicating liquors.

Read first and second times and referred to committee on judiciary No. 2.

Senate File No. 98, by Senator Reese, a bill for an act to prohibit the expending of public funds for the employment of married women with certain exceptions thereto and providing for a penalty for violations thereof.

Read first and second times and referred to committee on labor.

Senate File No. 99, by committee on agriculture, a bill for an act to recognize the Iowa Swine Producers' Association and to aid in providing information in regard to the production and marketing of swine and to provide an appropriation therefor.

Read first and second times and referred to committee on agriculture.

Senate File No. 100, by committee on agriculture, a bill for an act to regulate the sale of substitutes for lard as defined herein, by providing an inspection fee and excise tax and the manner in which said fee and tax shall be paid, and providing the means and manner of the administration and enforcement thereof by the Secretary of Agriculture.

Read first and second times and placed on the calendar.

Senate File No. 101, by committee on agriculture, a bill for an act to provide for sanitary inspection of baby chick hatcheries and baby chick establishments and to define the power of the Secretary of Agriculture.

Read first and second times and placed on the calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 23, a bill for an act relating to the secondary road construction fund.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 26, a bill for an act relating to state banks, savings banks, and loan and trust companies.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 49, a bill for an act to legalize the corporate acts and proceedings of Marshalltown Mfg. Co. of Marshalltown, Iowa.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 69, a bill for an act relating to the location of depository banks.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 86, a bill for an act to legalize and validate an issue

of \$210,000.00 school building bonds of the independent school district of Clinton, Iowa.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 122, a bill for an act to provide for the issuance of preferred stock of one or more classes by state banks, savings banks and trust companies.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE MESSAGES CONSIDERED

House File No. 34, a bill for an act to amend section eleven hundred sixty-six (1166), Code, 1931, relating to nepotism.

Read first and second times and referred to committee on public schools.

House File No. 5, a bill for an act to amend chapter four hundred ninety-six (496), Code 1931, to provide for the entering of judgment notwithstanding the verdict in certain cases and to prescribe the practice in such cases upon review by the Supreme Court, and to repeal all acts and parts of acts inconsistent with the provisions of this act.

Read first and second times and referred to committee on judiciary No. 1.

House File No. 23, a bill for an act to amend section forty-six hundred forty-four-c eight (4644-c8), Code, 1931, relating to the secondary road construction fund.

Read first and second times and referred to committee on highways.

House File No. 26, a bill for an act to repeal sections ninety-one hundred eighty-nine (9189), ninety-two hundred fourteen (9214), ninety-two hundred fifteen (9215), ninety-two hundred seventeen (9217), ninety-three hundred one (9301), and ninety-three hundred two (9302), of the code, 1931, relating to state banks, savings banks, and loan and trust companies.

Read first and second times and referred to committee on banks and banking.

House File No. 49, a bill for an act to legalize the corporate acts and proceedings of Marshalltown Manufacturing Company of Marshalltown, Iowa, and to provide for the renewal and extension of the period of corporate existence and the adoption of

renewal, amended and substituted articles of incorporation of said Marshalltown Manufacturing Company.

Read first and second times and referred to committee on judiciary No. 1.

House File No. 69, a bill for an act to amend Chapter one hundred thirty-seven (137), section one (1), Acts of the Forty-fifth General Assembly, relating to the location of depository banks.

Read first and second times and referred to committee on banks and banking.

House File No. 86, a bill for an act to legalize and validate an issue of \$210,000.00 school building bonds of the independent school district of Clinton, in the county of Clinton, state of Iowa.

Read first and second times and referred to committee on judiciary No. 2.

House File No. 122, a bill for an emergency act to provide for the issuance of preferred stock of one or more classes by state banks, savings banks and trust companies organized under the laws of this State that have been reorganized and/or recapitalized, or are in the process of reorganization and/or recapitalization; providing for the consent of "certificate holders" and subordinating the rights of "certificate holders" in and to earnings or income of such banks and trust companies, to the rights of holders of preferred stock, both as to dividends and sinking fund; and binding non-consenting "certificate holders" upon written consent of required number and amount; providing for public bodies as "certificate holders" entering into written consents and subordination agreements; and providing rules of construction in event of conflict or unconstitutionality of a part of the Act.

Read first and second times and passed on file.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me, as Secretary of the Senate, a proof of publication from The Clinton Herald, Clinton, Iowa, relating to House File No. 86, a bill for an act to legalize and validate an issue of \$210,000.00 school building bonds of the independent school district of Clinton, of the county of Clinton, state of Iowa.

BYRON G. ALLEN, *Secretary of the Senate.*

On motion of Senator Ritchie, the Senate recessed for 10 minutes.

The Senate reconvened at the fall of the gavel.

By unanimous consent, on request of Senator Valentine, action was deferred on Calendar No. 1, Senate File 50, temporarily.

By unanimous consent, on request of Senator Schmidt, action was deferred on Calendar No. 2, Senate File 17, such bill to retain its place on the Calendar.

THIRD READING OF BILLS

On motion of Senator Pendray, Senate Joint Resolution 1, a joint resolution ratifying a proposed amendment to the constitution of the United States of America, relative to the labor of persons under eighteen (18) years of age, with report of committee, without recommendation, was taken up and considered.

Whereas, both houses of the sixty-eighth Congress of the United States of America, by a constitutional majority of two-thirds thereof, made the following proposition to amend the constitution of the United States of America, to-wit:

"JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE.....

"Section 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen years of age.

"Sec. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

Now, therefore,

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

Section 1. That the said proposed amendment to the constitution of the United States of America as set forth herein be and the same is hereby ratified and consented to by the state of Iowa and by the General Assembly thereof.

Sec. 2. Be it further resolved and enacted, that copies of this enactment and resolution, certified by the secretary of state, be forwarded by the governor of this state to the secretary of State of the United States at Washington, D. C., and to the presiding officer of each house of the Congress of the United States.

Senator Valentine moved the previous question on the resolution, which motion prevailed.

The resolution was read for information.

Senator Pendray moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 41.

Anderson	Frailey	McArthur	Schmidt
Aschenbrenner	Geske	Meyer	Shangle
Baldwin	Harrington	Miller of Jones	Stanley
Beardsley	Hicklin	Moore	Stevens of
Beatty	Hill	Mullaney	Decatur
Bennett	Hopkins	Nelson	Stevens of
Carden	Hush	Patterson	Wapello
Chrystal	Kimberly	Pendray	Tripp
Doze	Klemme	Reese	Valentine
Elthon	Knudson	Ritchie	Wenner
Fisch	Leo	Roelofs	

Nays, 6.

Booth	Calhoun	Husted	Miller of
Byers	Coykendall		Buchanan

Absent or not voting, 3.

Irwin	Topping	Wilson
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Pendray moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution No. 6, a joint resolution relating to adjournment Wednesday, November 29th. VIRGIL LEKIN, *Chief Clerk*.

HOUSE CONCURRENT RESOLUTION NO. 6

We, the undersigned members offer the following resolution:

Resolved by the House, the Senate concurring, that adjournment of the Forty-fifth General Assembly, Extra Session be had on Wednesday at 12 o'clock noon November 29, 1933, to be reconvened on Friday, December 1, 1933, at 10 o'clock.

Passed on file.

THIRD READING OF BILLS

By unanimous consent, on request of Senator Valentine, House File 122 was substituted for Senate File 50 on the Calendar.

On motion of Senator Valentine House File No. 122, a bill for an emergency act to provide for the issuance of preferred stock of one or more classes by state banks, savings banks and trust companies organized under the laws of this State that have been reorganized and/or recapitalized, or are in the process of reorganization and/or recapitalization; providing for the consent of "certificate holders" and subordinating the rights of "certificate holders" in and to earnings or income of such banks and trust companies, to the rights of holders of preferred stock, both as to dividends and sinking fund; and binding non-consenting "certificate holders" upon written consent of required number and amount; providing for public bodies as "certificate holders" entering into written consents and subordination agreements; and providing rules of construction in event of conflict or unconstitutionality of a part of the Act, was taken up, and considered.

The bill was read for information.

Senator Hush offered the following amendment and moved its adoption:

Amend by striking all of Sections one (1), two (2), and three (3) and renumbering the remaining sections.

Senator Shangle moved to recess until 2:00 p. m. today.

The motion was lost.

Senator Hush raised the point of order that the debate was on the bill rather than the amendment, on which he desired a vote. The President held the point well taken. The amendment was lost.

Senator Byers offered the following amendment and moved its adoption:

Amend by inserting after Section 6 the following:

Sec. 7. The reorganization of state banks, savings banks and trust companies referred to in this Act and in Chapters one hundred fifty-six (156), one hundred fifty-nine (159) and one hundred sixty (160), Acts of the Forty-fifth General Assembly and Acts amendatory thereto, may with the approval of the Superintendent of Banking be brought about

through the use of the existing corporation or by the organization of a new bank, where such bank as so reorganized acquires all or a portion of the assets, and assumes all or a portion of the liabilities, of one or more existing banks.

Further amend by renumbering the sections following.

The amendment was adopted.

Senator Wenner offered the following amendment and moved its adoption:

Amend section nine (9) by inserting after the word "jurisdiction" in line two (2) thereof the words "to be".

The amendment was adopted.

Senator Valentine moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 34.

Anderson	Frailay	Miller of	Schmidt
Aschenbrenner	Geske	Buchanan	Shangle
Baldwin	Harrington	Miller of Jones	Stevens of
Beardsley	Hicklin	Moore	Decatur
Bennett	Kimberly	Mullaney	Stevens of
Byers	Klemme	Nelson	Wapello
Carden	Knudson	Pendray	Tripp
Chrystal	Leo	Reese	Valentine
Coykendall	Meyer	Roelofs	Wenner
Doze			

Nays, 11.

Beatty	Fisch	Hush	Ritchie
Booth	Hill	Husted	Stanley
Calhoun	Hopkins	Patterson	

Absent or not voting, 5.

Elthon	McArthur	Topping	Wilson
Irwin			

The bill having received a constitutional majority was declared to have passed the Senate.

By unanimous consent, on request of Senator Byers the title was amended by inserting after the semi-colon (;) following the word "agreements" in line fourteen (14) thereof the following:

"further defining the term 'reorganization' as used in this Act and as used in Chapters one hundred fifty-six (156), one hundred fifty-nine (159) and one hundred sixty (160), Acts of the Forty-fifth General Assembly;"

The title as amended was agreed to.

By unanimous consent, on request of Senator Valentine, Senate File 50, a companion bill to the one just passed, was withdrawn.

By unanimous consent, on request of Senator Stevens of Wapello, Senate File 51 was taken up and considered.

REPORT OF COMMITTEE

Senator Byers submitted the following report:

MR. PRESIDENT: Your committee on motor vehicles to which was referred Senate File No. 51, a bill for an act to amend sections forty-eight hundred seventy-five (4875), forty nine hundred (4900), forty nine hundred one (4901), forty nine hundred five (4905), forty nine hundred twenty four (4924), forty nine hundred twenty nine (4929), forty nine hundred thirty three (4933), and forty nine hundred thirty six (4936), Code, 1931, as amended by chapter seventy-six (76), Acts Forty-fifth (45th) General Assembly, relating to the collection of motor vehicle license fees; also to repeal section seven (7) of chapter seventy-six (76), Acts of the Forty-fifth (45) General Assembly, relating to said fees, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

Amend section ten (10) of Senate File No. 51 by striking from line three (3) the words "in two newspapers of this state as provided by law." and by inserting in lieu thereof the words "in the Oelwein Daily Register, a newspaper published at Oelwein, Iowa, and in the Ottumwa Daily Courier, a newspaper published in Ottumwa, Iowa."

FRANK C. BYERS, *Chairman.*

Ordered passed on file.

THIRD READING OF BILLS

On motion of Senator Stevens of Wapello, Senate File 51, a bill for an act to amend sections forty-eight hundred seventy-five (4875), forty-nine hundred (4900), forty-nine hundred one (4901), forty-nine hundred five (4905), forty-nine hundred twenty-four (4924), forty-nine hundred twenty-nine (4929), forty-nine hundred thirty-three (4933), and forty-nine hundred thirty-six (4936), Code, 1931, as amended by chapter seventy-six (76), Acts Forty-fifth (45th) General Assembly, relating to the collection of motor vehicle license fees; also to repeal section seven (7) of chapter seventy-six (76), Acts of the Forty-fifth (45th) General Assembly, relating to said fees, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The following committee amendment was considered.

Amend section ten (10) by striking from line three (3) the words "in two newspapers of this state as provided by law." and by inserting in lieu thereof the words "in the Oelwein Daily Register, a newspaper published at Oelwein, Iowa, and in the Ottumwa Daily Courier, a newspaper published in Ottumwa, Iowa."

The amendment was adopted.

The bill was read for information.

Senator Stevens of Wapello moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 43.

Anderson	Doze	Leo	Roelofs
Aschenbrenner	Fisch	McArthur	Schmidt
Baldwin	Frailey	Meyer	Shangle
Beardsley	Geske	Miller of	Stanley
Beatty	Harrington	Buchanan	Stevens of
Bennett	Hicklin	Miller of Jones	Decatur
Booth	Hill	Moore	Stevens of
Byers	Hopkins	Mullaney	Wapello
Calhoun	Husted	Pendray	Tripp
Carden	Kimberly	Reese	Valentine
Chrystal	Klemme	Ritchie	Wenner
Coykendall	Knudson		

Nays, none.

Absent or not voting, 7.

Elthon	Irwin	Patterson	Wilson
Hush	Nelson	Topping	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Stevens of Wapello moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

Senator Klemme moved to adjourn until 10:00 a.m. tomorrow.

Senator Wenner moved as a substitute that the Senate recess until 2:30 p. m. today.

The substitution was made.

The substitute motion was adopted and the Senate recessed until 2:30 p. m. today.

AFTERNOON SESSION

The Senate met at the fall of the gavel, President N. G. Kraschel presiding.

By unanimous consent, on request of Senator Booth, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 102, by committee on highways, a bill for an act to legalize all programs and projects for the construction of secondary roads in all counties of the State of Iowa, where the officers whose duty it is to initiate or adopt the same, did so, in the year 1933, in conformity to the provisions of chapter two hundred forty (240) of the 1931 Code of Iowa, except that they acted at a time or times later or after the time or times prescribed specifically in sections forty-six hundred forty-four-c twenty-five (4644-c25) and forty-six hundred forty-four-c thirty-three (4644-c33) of said chapter two hundred forty (240) of the 1931 Code of Iowa, and to authorize the adoption of a secondary road program or project prior to December 31, 1933.

Read first and second times and placed on the calendar.

Senate File No. 103, by Senator Harrington, a bill for an act amending Section sixty-one hundred thirty-four-d1 (6134-d1), Code, 1931, and providing for the issuance by municipalities of negotiable revenue bonds payable only out of the net earnings of municipally owned public utilities, providing the security for the payment of such bonds; providing for the delivery or sale of such bonds and that the same may be used as security for money borrowed to pay the cost of such improvement.

Read first and second times and referred to committee on cities and towns.

Senate File No. 104, by Senator Tripp, a bill for an act to amend section seventy-one hundred eighty-eight (7188), Code, 1931, relating to the collection of taxes.

Read first and second times and referred to committee on emergency legislation.

Senate File No. 105, by committee on highways, a bill for an act to amend section forty-seven hundred fifty-five-b thirty-two

(4755-b32) of the Code 1931, to remove the present limitations of the use of primary road funds for the payment of principal and interest of primary road bonds and bonds issued to refund primary road bonds, to provide a comprehensive plan for the financing of primary road bonds and bonds issued to refund primary road bonds, and to make more certain that primary road bonds and bonds issued to refund primary road bonds and the interest on such bonds will be paid out of the primary road fund.

Read first and second times and placed on the calendar.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution No. 4 relating to committee of the whole for consideration of tax revision bills. VIRGIL LEKIN, *Chief Clerk.*

HOUSE CONCURRENT RESOLUTION NO. 4

Be It Resolved by the House of Representatives, the Senate concurring, that the Senate and House of Representatives resolve themselves into a committee of the whole for consideration of all tax revision bills as follows:

1. That each bill be taken up in the order of its filing and one day or portion thereof given to the author or authors of each bill to properly discuss and analyze it before said committee.
2. That none of said bills be placed upon their passage until each has been discussed before the joint committee.

We feel that all members of the House and Senate should have each of these bills thoroughly analyzed and discussed before any of said bills are taken up for vote or passage.

By unanimous consent, on request of Senator Valentine, the resolution was considered.

Senator Valentine moved that House Concurrent Resolution No. 4 be referred to the proper committee.

The motion prevailed and the President referred the resolution to the committee on tax revision.

Senator Coykendall announced that he had obtained a photograph of Hon. Henry A. Wallace, Secretary of Agriculture, and moved that it be hung on the west panel of the Senate Chamber.

The motion prevailed and the President appointed Senator Coykendall to hang the picture.

Senator Pendray moved that a committee of three be appointed to draft a suitable resolution of sympathy to Senator Irwin, on the death of his father.

The motion prevailed and the President appointed Senators Pendray, Fisch and Kimberly to act on said committee.

SENATE RESOLUTION NO. 1

Whereas, Senator H. L. Irwin and his family have suffered bereavement in the death of Senator Irwin's father,

Be It Resolved by the Members of this Special Session of the Forty-fifth General Assembly, that this, a resolution of sympathy, be printed in the Journal, and that copies of the same having signatures of the Lieutenant Governor and the Secretary of the Senate be sent to Senator Irwin and his family.

CAROLYN C. PENDRAY.

MIKE G. FISCH.

D. W. KIMBERLY.

The resolution was unanimously adopted.

The Journal of November 23d was corrected and approved.

AMENDMENTS FILED

Amend Senate File No. 29 by striking therefrom all of section one (1) after the third (3rd) line thereof and substituting in lieu thereof the following:

"When a note or notes or other contract has been given and accepted in whole or in part in exchange for real estate or an interest therein, and the holder of such note or contract has been assessed thereon for any given year and a tax levied thereon in the same county in which the real estate is located, and where such real estate has been assessed and a tax levied thereon for the same year and said tax remains unpaid, and the owner of said real estate, whether holding title to the same by either deed or contract, having failed to pay and/or being unable to pay said note or contract, transfers or re-conveys said real estate to the holder of such note or contract in full settlement and cancellation thereof, then the holder of such note or contract shall be entitled to off-set against the tax he pays in said year on said real estate the amount he has paid in the same year on said note or contract."

CLAUDE STANLEY.

Amend Senate File No. 81 by striking all of Section eight (8), and substituting in lieu thereof the following:

"Sec. 8. Amend section four thousand twenty-seven (4027), Code of Iowa, 1931 by adding at the end of said section the following: 'The cost of all medicine, care, X-ray, laboratory and maintenance furnished to such patients, shall be paid one-half by the state and one-half by the

county of each patient's legal residence. The cost of the commitment, transportation, attendants and other special appliances and treatments of all patients admitted or accepted for treatment at the University Hospital shall be paid by the state.

“The Auditor of State shall make a quarterly estimate of the per diem charge for medicine, care, X-ray, laboratory and maintenance based upon such reports and audits as he shall require, and in the final quarter of each year he shall provide for an audit to determine the said per diem charge for medicine, care and maintenance, and upon the basis of the same adjust any and all irregularities and errors found to exist as the result of the quarterly estimates.’”

MORRIS MOORE.

Senator Coykendall moved to adjourn until 10:00 a. m. tomorrow.

Senator Harrington moved as a substitute that the Senate adjourn until 10:00 a. m. Monday, November 27th.

The substitution was made, the motion as substituted prevailed, and the Senate adjourned until 10:00 a. m. Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, NOVEMBER 27, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. N. H. Carmen, Director of education, Iowa Baptist Church of Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Chrystal for the day, on request of Senator Mullaney; Senator Topping indefinitely, on account of illness, on request of Senator Wenner.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Opposing proposed bill to regulate purchase of livestock. Senator Tripp from George Kelly and L. W. France of Newton, and C. O. Macy of Sully. Senator Aschenbrenner from Frank N. Bay, John Coughlin, Morris T. Watson, John Visser, H. C. Peterson, T. L. Coughlin, J. H. Bickert, Jas. W. Lahart, W. A. Wilkin Grain Co., W. M. Parry, W. G. Hindman, W. L. Parry, Russell Hindman, all of Albia; M. L. Burch of Knoxville, Ed. Murphy and W. F. McGrath of Melrose, F. McConnell and Lewis Kendall of Bussey. Senator Coykendall from Roy Davison of Shambaugh, Herman Sieferring of Coin, J. H. Crist, Ralph Raymond, W. J. Bute and J. C. Welch Nursery, Shenandoah. Senator Stanley from George Crawford of New Market and O. M. Belding of Corning. Agriculture.

Favoring repeal of the Salary Reduction Act. Senator Elthon from county officers and deputies of Mitchell county. Reduction of public expenditures.

Favoring an act to prohibit sale of prison made goods. Senator Valentine from citizens of Centerville. Labor.

Approving old age pension law. Senator Stevens of Wapello from citizens of Wapello county. Judiciary 2.

Favoring special tax on chain stores. Senator Kimberly from citizens of Scott county. Senator Aschenbrenner from citizens of Monroe and Marion counties. Ways and means.

Opposing change of prohibition law. Senator Wenner from Helen Brynes' chapter of Young Peoples' Branch of W. C. T. U., Waterloo. Liquor control.

Opposing Brooking's Institution Report pertaining to reorganization of local administration of public schools. Senator Wenner from Board of Education of Independent District of Grundy Center. Public schools.

INTRODUCTION OF BILLS

Senate File No. 106, by Senators Chrystal and Roelofs, a bill for an act to repeal chapter thirty-eight (38), Code, 1931, relating to the nomination of judges of the supreme, district and superior courts by conventions of political parties, and to the election of such judges; and to enact a substitute therefor providing for the non-partisan nomination of judges of the supreme and district courts at non-partisan conventions, or by petition, and providing for a non-partisan election of such judges, and providing for the nomination and election of judges of the superior courts in the manner provided by law for the nomination and election of other elective officers in the cities where such courts are located.

Read first and second times and referred to committee on judiciary No. 1.

Senate File No. 107, by Senator Miller of Buchanan, a bill for an act to repeal section twelve thousand three hundred seventy-seven (12,377) chapter five hundred twenty-five (525) of the code, 1931, which provides for issuance of a general execution for any unpaid balance remaining after sale of real estate under special execution, and providing in lieu thereof that sale of mortgaged real estate under special execution shall constitute full payment of the debt named in the mortgage.

Read first and second times and referred to committee on emergency legislation.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 122, a bill for an act to provide for the issuance of preferred stock of one or more classes by state banks, savings banks and trust companies.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 14, a bill for an act defining the term of "search warrant" and issuance of same.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 15, a bill for an act relating to the striking out of certain provisions relating to the inurement of policies of insurance.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 17, a bill for an act relating to the lien of poll taxes and of taxes on personal property.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 19, a bill for an act relating to the filing of the shorthand reporter's translation report of a trial for public record.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 21, a bill for an act relating to the computation of tax rates.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 24, a bill for an act relating to the adoption of children.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 25, a bill for an act relating to the filing of motions and hearing thereon in proceedings for judgments on motion.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 44, a bill for an act legalizing corporate acts and proceedings of Pooley Lumber Co. of Greene, Iowa.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 48, a bill for an act relating to the discrimination or monopoly in the sale of replacement and repair parts of machines and mechanical devices.

Also: That the House has passed the following Senate Joint Resolution No. 3 in which the concurrence of the House was asked:

Senate Joint Resolution No. 3 relating to compensation of officers and employees of the Extra Session.

Also: That the House has adopted the following House Concurrent Resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution No. 5 providing for the printing of 300 additional copies of the report of the Brookings Institute.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE CONCURRENT RESOLUTION NO. 5

Whereas, The Forty-Fifth General Assembly had its regular session appropriated the sum of twenty-five thousand dollars (\$25,000.00) for the purpose of making possible a survey of our government in this state by the Brookings Institute, and for the purpose of securing their recommendations on the reorganization of our state and our local government in the State of Iowa for the purpose of reducing governmental expenditures, and

Whereas, The said Brookings Institute undertook said work and have been engaged in the same since practically the first of January, 1933, and

Whereas, Said Brookings Institute has the result of their said investigation and have made a report recommending certain changes in our state and local government, said report being available to the members of the Forty-fifth General Assembly only through one report which has been placed at the chief clerk's desk, and

Whereas, The information contained in such report is of vital interest to the people of the State of Iowa and to the members of the General Assembly and should be printed so the information contained therein may be made accessible to the members of the General Assembly, and

Whereas, According to the report of the Interim Committee in charge of the work of the Brookings Institute there is remaining out of said appropriation the sum of seven thousand seven hundred sixty-eight dollars and fifty-six cents (\$7,768.56), now, therefore

Be It Resolved by the House, the Senate concurring, That said committee shall be, and they are hereby authorized to have the report of the Brookings Institute printed in book form for the use of the members of the Forty-fifth General Assembly and that three hundred (300) additional copies be printed for sale to the citizens of the State of Iowa at a price to be determined by the committee, the proceeds of the sales of said copies to go to said Interim Committee to replace the fund used in printing said report for use by the members of the said assembly, and

Be It Further Resolved, That in the event said Interim Committee should exhaust its funds prior to the completion of its work, it shall be reimbursed from the general fund of the State of Iowa by a sum not to exceed the amount expended in printing said report, as herein provided, less any and all proceeds realized from the sale of said printed report.

HOUSE MESSAGES CONSIDERED

House File No. 14, a bill for an act to define the term "search warrant", to declare the conditions under which search warrants may issue, to amend, revise, and codify various statutes pertain-

ing to search warrants, in order to provide a uniform procedure governing search warrant proceedings, and to this end to repeal chapter six-hundred seventeen (617) of the Code, 1931, and to enact a substitute therefor; also to amend sections two thousand ten (2010), thirty-one hundred fifty-nine (3159) and thirteen thousand two hundred three (13203) of said Code; also to repeal the following chapter and sections of said Code, to wit:

1. Sections fifteen hundred seventy-eight (1578) to fifteen hundred eighty-one (1581), inclusive.
2. Section thirty-one hundred sixty (3160).
3. Chapter ninety-six (96).
4. Sections thirteen thousand two hundred (13200), thirteen thousand two hundred one (13201), and sections thirteen thousand two hundred four (13204) to thirteen thousand two hundred nine (13209), inclusive.
5. Sections thirteen thousand two hundred eleven (13211) to thirteen thousand two hundred fifteen (13215), inclusive.

Read first and second times and referred to committee on judiciary No. 2.

House File No. 15, a bill for an act to amend section eighty-nine hundred forty (8940), Code, 1931, by striking out certain provisions relating to the inurement of policies of insurance to the benefit of one who has obtained a judgment against the insured, to repeal section nine thousand seventy-one (9071) of said code, and to enact a substitute for such stricken and repealed provisions, and to provide the time in which an action to enforce such inurement may be brought.

Read first and second times and referred to committee on judiciary No. 2.

House File No. 17, a bill for an act to repeal section seventy-two hundred three (7203), Code, 1931, and to enact a substitute therefor, relating to the lien of poll taxes and of taxes on personal property.

Read first and second times and referred to committee on judiciary No. 2.

House File No. 19, a bill for an act to amend section twelve thousand eight hundred seventy-four (12874), Code, 1931, and to require the filing of the shorthand reporter's translation of his report of a trial and to constitute such filed translation a public record for the use of all parties to an appeal.

Read first and second times and referred to committee on judiciary No. 2.

House File No. 21, a bill for an act to amend section seventy-one hundred sixty-four (7164), Code, 1931, by repealing lines twenty (20) to thirty-two (32), inclusive, of said section, relating to the computation of tax rates.

Read first and second times and referred to committee on judiciary No. 2.

House File No. 24, a bill for an act to repeal sections thirty-seven hundred fourteen (3714), and thirty-seven hundred fifteen (3715), Code, 1931, and to enact a substitute therefor, and so to amend sections thirty-seven hundred two (3702), thirty-seven hundred seventeen (3717), and thirty-seven hundred nineteen (3719), of said code as to coordinate said sections with chapter four hundred seventy-three (473) of said code, relating to the adoption of children.

Read first and second times and referred to committee on judiciary No. 2.

House File No. 25, a bill for an act to amend sections eleven thousand six hundred eleven (11611), and eleven thousand six hundred twelve (11612), Code, 1931, relating to the filing of motions and hearing thereon in proceedings for judgments on motion.

Read first and second times and referred to committee on judiciary No. 2.

House File No. 44, a bill for an act to legalize the corporate acts and proceedings of Pooley Lumber Company of Greene, Iowa, and to provide for the renewal and extension of the period of corporate existence and the adoption of renewal, amended and substituted articles of incorporation by said Pooley Lumber Company.

Read first and second times and referred to committee on judiciary No. 1.

House File No. 48, a bill for an act to provide against discrimination or monopoly in the sale of replacement and repair parts of machines and mechanical devices, and for the regulation of the distribution and sale of same, and providing penalties for the violation of this act.

Read first and second times and referred to committee on manufacturing, commerce and trade.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me, as Secretary of the Senate, a proof of publication from The Iowa Recorder, Greene, Iowa, relating to House File No. 44, a bill for an act to legalize the corporate acts and proceedings of Pooley Lumber Company of Greene, Iowa.

BYRON G. ALLEN, *Secretary of the Senate.*

THIRD READING OF BILLS

On motion of Senator Schmidt, Senate File No. 17, a bill for an act to amend sub-section ten (10), section fifty-one hundred ninety-one (5191), Code of Iowa, 1931, as amended by section six (6), chapter ninety (90), Acts of the forty-fifth general assembly, relating to mileage of sheriffs and their deputies, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

President pro tempore Harold L. Irwin was called to the chair at 10:28 a. m.

The following committee amendment was considered:

Amend by striking the word "ten" in line 7 thereof, and inserting in lieu thereof the words "seven and one-half".

Senator Stanley offered the following as a substitute for the committee amendment and moved its adoption:

Amend by striking therefrom all of section one (1) after the word "amended" in the fourth (4th) line thereof, and adding in lieu thereof the following: "by adding after the comma following the word 'returning' in the second (2nd) line thereof the following words: 'ten cents per mile for serving original notices and all other papers and processes in civil cases and civil matters, and in all other cases'".

President N. G. Kraschel returned to the chair at 10:35 a. m.

Senator Stanley moved that action be deferred temporarily.

Senator Roelofs moved as a substitute that the bill be rereferred to the committee on county and township affairs.

Senator Roelofs asked unanimous consent to withdraw his motion to rerefer.

Senator Patterson objected.

The substitution was made.

Senator Roelofs moved to amend his motion by rereferring the bill to the committee on reduction of public expenditures.

Roll call was demanded.

On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 15.

Beatty	Harrington	Roelofs	Tripp
Bennett	Knudson	Stevens of	Valentine
Booth	Moore	Decatur	Wenner
Carden	Patterson	Stevens of	
Frailey		Wapello	

Nays, 30.

Anderson	Geske	Klemme	Pendray
Beardsley	Hicklin	Leo	Reese
Byers	Hill	McArthur	Ritchie
Calhoun	Hopkins	Meyer	Schmidt
Coykendall	Husted	Miller of	Shangle
Doze	Hush	Buchanan	Stanley
Elthon	Irwin	Miller of Jones	Wilson
Fisch	Kimberly	Mullaney	

Absent or not voting, 5.

Aschenbrenner	Chrystal	Nelson	Topping
Baldwin			

The amendment was lost.

The substitute motion prevailed and the bill was rereferred to the committee on county and township affairs.

On motion of Senator Byers, Senate File No. 93, a bill for an act relating to storage affidavits on motor vehicles for the year 1933 and registration fees and penalties, Section Forty-nine hundred four-A (4904-A), a motor vehicles committee bill, was taken up and considered.

The bill was read for information.

By unanimous consent, on request of Senator Byers, action was deferred temporarily on Senate Files Nos. 93 and 94.

SENATE FILE 100 REREFERRED

Senator Wilson moved that Senate File 100 be rereferred to the committee on agriculture, for the purpose of a public hearing.

The motion prevailed.

THIRD READING OF BILLS

On motion of Senator Ritchie, Senate File 101, a bill for an act to provide for sanitary inspection of baby chick hatcheries and baby chick establishments and to define the power of the Secretary of Agriculture, an agriculture committee bill, was taken up and considered.

Senator Calhoun offered the following amendment and moved its adoption:

Amend by striking the last sentence of section 8 and all of section 9 and by renumbering the remaining sections.

Senator Hush moved that the bill be rereferred to the committee on agriculture. The motion prevailed.

Senator Byers moved that the Senate go into a committee of the whole to consider tax reduction bills and stay in committee of the whole until their completion.

Senator Byers withdrew his motion by unanimous consent.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, House Files 39 and 122.

HOMER HUSH, *Chairman Senate Committee.*
WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The president of the Senate announced that, as president of the Senate, he had signed in the presence of the Senate, House Files 39 and 122.

CONSIDERATION OF SENATE FILE 94 RESUMED

Senator Byers called up for consideration Senate File No. 94, upon which action was temporarily deferred.

On motion of Senator Byers, Senate File No. 94, a bill for an act to amend Section Forty-nine Sixty-D Thirty-Two (4960-d32) Code of Iowa, 1931, relating to reporting of convictions and recommendations of suspension of Operator's or Chauffeur's licenses, a motor vehicles committee bill, was taken up and considered.

The bill was read for information.

Senator Byers moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 41.

Anderson	Elthon	Kimberly	Reese
Aschenbrenner	Fisch	Klemme	Ritchie
Baldwin	Frailey	Knudson	Roelofs
Beatty	Geske	Leo	Shangle
Bennett	Harrington	Meyer	Stanley
Booth	Hicklin	Miller of	Stevens of
Byers	Hill	Buchanan	Decatur
Calhoun	Hopkins	Miller of Jones	Tripp
Carden	Hush	Mullaney	Valentine
Coykendall	Husted	Patterson	Wenner
Doze	Irwin	Pendray	

Nays, none.

Absent or not voting, 9.

Beardsley	Moore	Stevens of	Topping
Chrystal	Nelson	Wapello	Wilson
McArthur	Schmidt		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Booth, Senate File No. 102, a bill for an act to legalize all programs and projects for the construction of secondary roads in all counties of the State of Iowa, where the officers whose duty it is to initiate or adopt the same, did so, in the year 1933, in conformity to the provisions of chapter two hundred forty (240) of the 1931 Code of Iowa, except that they acted at a time or times later or after the time or times prescribed specifically in sections forty-six hundred forty-four-c twenty-five (4644-c25) and forty-six hundred forty-four-c thirty-three (4644-c33) of said chapter two hundred forty (240) of the 1931 Code of

Iowa, and to authorize the adoption of a secondary road program or project prior to December 31, 1933, a highways committee bill, was taken up and considered.

The bill was read for information.

Senator Booth moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 46.

Anderson	Frailey	Leo	Roelofs
Aschenbrenner	Geske	McArthur	Schmidt
Baldwin	Harrington	Meyer	Shangle
Beatty	Hicklin	Miller of	Stanley
Bennett	Hill	Buchanan	Stevens of
Booth	Hopkins	Miller of Jones	Decatur
Byers	Hush	Moore	Stevens of
Calhoun	Husted	Mullaney	Wapello
Carden	Irwin	Nelson	Tripp
Coykendall	Kimberly	Patterson	Valentine
Doze	Klemme	Pendray	Wenner
Elthon	Knudson	Reese	Wilson
Fisch			

Nays, none.

Absent or not voting, 4.

Beardsley	Chrystal	Ritchie	Topping
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Booth moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

CONSIDERATION OF SENATE FILE 93 RESUMED

Senator Byers called up for consideration, Senate File No. 93, upon which action was deferred temporarily.

Senator Byers offered the following amendment and moved its adoption:

Amend the title by striking same and inserting in lieu thereof the following:

"An Act relating to storage affidavits on motor vehicles for the year 1933 and registration fees and penalties, amending Section Forty-nine hundred four (4904)."

The amendment was adopted.

Senator Byers offered the following amendment and moved its adoption:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section Forty-nine hundred four (4904) is amended by adding: 'Any motor vehicle upon which a storage affidavit for the year 1933 has been filed with the county treasurer in the county where registered, may be registered for the year 1934 without payment of any registration fee or penalty for the year 1933.'

"Sec. 2. This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in two newspapers as provided by law."

The amendment was adopted.

Senator Byers moved that the reading previously had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 45.

Anderson	Elthon	Knudson	Reese
Aschenbrenner	Frailey	Leo	Ritchie
Baldwin	Geske	McArthur	Roelofs
Beardsley	Harrington	Meyer	Shangle
Beatty	Hicklin	Miller of	Stanley
Bennett	Hill	Buchanan	Stevens of
Booth	Hopkins	Miller of Jones	Decatur
Byers	Hush	Moore	Stevens of
Calhoun	Husted	Mullaney	Wapello
Carden	Irwin	Nelson	Tripp
Coykendall	Kimberly	Patterson	Valentine
Doze	Klemme	Pendray	Wenner

Nays, none.

Absent or not voting, 5.

Chrystal	Schmidt	Topping	Wilson
Fisch			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

The Journal of November 24th was corrected and approved.

REPORTS OF COMMITTEES

Senator Wilson submitted the following reports:

MR. PRESIDENT: Your committee on cities and towns to which was referred Senate File 37, a bill for an act to amend section fifty-six seventeen (5617), Code, 1931, relating to the severance of territory from a city or town, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

GEORGE A. WILSON, *Chairman.*

Ordered passed on file.

Also:

Your committee on cities and towns to which was referred Senate File 19, a bill for an act to amend sub-section five of section six thousand two

hundred eleven of the Code of Iowa, 1931, relating to sewer fund permitting the use of the sewer fund for the construction, reconstruction, and repair of sewage disposal plant, begs leave to report it has had the same under consideration and recommends the same do pass.

GEORGE A. WILSON, *Chairman*.

Ordered passed on file.

Also:

Your committee on cities and towns to which was referred Senate File 20, a bill for an act to amend section six thousand one hundred twenty five of the code of Iowa, 1931, relating to sewer bonds and indebtedness by including sewer outlets and/or purifying plants, begs leave to report it has had the same under consideration and returns the bill without recommendation.

GEORGE A. WILSON, *Chairman*.

Ordered passed on file.

Senator Frailey submitted the following reports:

MR. PRESIDENT: Your committee on judiciary No. 1, to which was referred Senate File 28, a bill for an act to regulate the employment of persons seeking employment in public offices, or any person receiving wages from any public board, institution, or officer, and to regulate agencies seeking employment for such persons in public institutions, and to prohibit inquiry concerning the religion or religious affiliations of such persons seeking employment or official positions or positions or offices of public emolument, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass.

1. By striking the period at the end of the title and adding "and providing penalties for the violation thereof."

2. By striking in Section 2, line 6, the words "one hundred" and inserting in lieu thereof the words "twenty-five".

3. By striking in Section 2, line 6, the words "five hundred" and inserting in lieu thereof the words "one hundred". J. R. FRAILEY, *Chairman*.

Ordered passed on file:

Also:

Your committee on judiciary No. 1 to which was referred Senate File 16, a bill for an act to amend section eleven thousand forty-nine (11049), Code, 1931, relating to the place of bringing actions, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

J. R. FRAILEY, *Chairman*.

Ordered passed on file.

Also:

Your committee on judiciary No. 1 to which was referred Senate File 30, a bill for an act to legalize the corporate acts and proceedings of Pooley Lumber Company of Greene, Iowa, and to provide for the renewal

and extension of the period of corporate existence and the adoption of renewal, amended and substituted articles of incorporation by said Pooley Lumber Company, begs leave to report it has had the same under consideration and recommends the same do pass. J. R. FRAILEY, *Chairman*.

Ordered passed on file:

Also:

Your committee on judiciary No. 1 to which was referred Senate File 78, a bill for an act to repeal Chapter five hundred ninety-six (596) of the Code, 1931, relating to the "desecration of the Sabbath" and prohibiting the carrying of fire arms, shooting, hunting, dancing, horse racing, and the buying and selling of property; and prohibiting the operation of trains and the operation of automobiles, which said chapter of the Code has never been enforced and has been openly violated in the state, begs leave to report it has had the same under consideration and recommends the same do pass. J. R. FRAILEY, *Chairman*.

Ordered passed on file.

Senator Hicklin submitted the following reports:

MR. PRESIDENT: Your committee on judiciary No. 2 to which was referred House File 86, a bill for an act to legalize and validate an issue of \$210,000.00 school building bonds of the independent school district of Clinton, in the county of Clinton, state of Iowa, begs leave to report it has had the same under consideration and recommends the same do pass. E. R. HICKLIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred Senate File 59, a bill for an act to make permanent the temporary transfer, made October 20, 1933, of money from the secondary road maintenance fund to the poor fund of Cass County, Iowa, begs leave to report it has had the same under consideration and recommends the same do pass. E. R. HICKLIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred Senate File 80, a bill for an act to repeal section two thousand thirteen-c five (2013-c5) Code, 1931, and to enact a substitute therefor relating to the requisition of vehicles condemned under chapter ninety-seven (97) of said Code, begs leave to report it has had the same under consideration and recommends the same do pass. E. R. HICKLIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred Senate File 97, a bill for an act to amend section nineteen hundred ninety (1990), Code, 1931, relative to the condemnation of intoxicating liquors, begs leave to report it has had the same under consideration and recommends the same do pass.

E. R. HICKLIN, *Chairman*.

Ordered passed on file.

Senator Anderson submitted the following report:

MR. PRESIDENT: Your committee on departmental affairs to which was referred Senate File 73, a bill for an act to fix the rate per mile allowed for the use of privately owned automobiles by non-salaried members of the State Board and Commissions, begs leave to report it has had the same under consideration and recommends the same do pass.

PAUL H. ANDERSON, *Chairman*.

Ordered passed on file.

Senator Husted submitted the following report:

MR. PRESIDENT: Your committee on drainage to which was referred Senate File 25, a bill for an act to amend Sec. 7771, Code, 1931, relating to permit for construction of a dam on the non-navigable streams of the State, and to provide for diversion of water; to provide for recapture of such projects by the State, and/or political subdivisions thereof, begs leave to report it has had the same under consideration and recommends the same do pass.

ORA E. HUSTED, *Chairman*.

Ordered passed on file.

Senator Tripp submitted the following report:

MR. PRESIDENT: Your committee on ways and means to which was referred Senate File No. 45, a bill for an act to amend sections forty-four hundred eighty-eight (4488) of the Code, 1931, relating to the rate of interest on the permanent school fund, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

D. MYRON TRIPP, *Chairman*.

Ordered passed on file.

EXPLANATION OF VOTE ON SENATE JOINT RESOLUTION NO. 1

I voted "no" on the proposed child labor amendment to the constitution of the United States because I am unalterably opposed to placing police regulations in the United States Constitution. The child labor amendment is a police regulation. We have just finished taking a police regulation out of the Constitution, namely, the 18th Amendment. I believe in State's rights and am against centralizing more power in Washington. Our country is large in area and entirely different conditions prevail in different parts of the United States. In my opinion no child labor law can be enacted which will fit the conditions of all parts of the country. Conditions in the industrial east, the coal mining districts and the south are

not the same as those in the agricultural middle west and the far west. Iowa, at the present time, has in force complete and very strict laws covering child labor, laws which are entirely satisfactory to and approved by those back of the child labor amendment. I am in favor of laws governing child labor, but believe that they should be adopted by the states, and that such regulations have no place in the Constitution of the United States.

FRANK C. BYERS.

REPORT OF JOINT COMMITTEE ON EXTRA HELP

MR. PRESIDENT: Your committee on extra help begs leave to make the following additional report and moves its adoption: Janitor—George Hall; Elevator Tender—Don De Raad.

D. W. KIMBERLY,

WM. KOCH,

W. R. RITCHIE,

ED RAWLINGS,

VINCENT HARRINGTON,

J. B. GALLAGHER,

On the Part of the Senate.

On the Part of the House.

AMENDMENTS FILED

Amend Senate File No. 101 as follows:

In Section Thirteen (13), line three (3) insert after the word "knowing" the words "or having good reason to suspect". L. T. SHANGLE.

Amend Senate File 17 by striking all following the enacting clause, and inserting in lieu thereof the following:

"Section 1. Sub-section ten (10), section five thousand one hundred ninety-one (5191), code, 1931, as amended by section six (6), chapter ninety (90), Acts of the Forty-fifth General Assembly is amended by striking the word, 'five' in line three (3) of said section six (6) and inserting in lieu thereof the following: 'seven and one-half'.

Section six (6), chapter ninety (90), is amended by striking the word, 'five' in line twelve (12) of said section and inserting in lieu thereof the words, 'seven and one-half'."

MILLER of Buchanan.

Senator Husted moved to recess until 1:30 p. m. today.

Senator Frailey moved as a substitute that the Senate adjourn until 10:00 a. m. tomorrow.

The substitution was made, the motion prevailed and the Senate adjourned until 10:00 a. m. Tuesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, NOVEMBER 28, 1933.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. P. R. Stevens, pastor of the Capitol Hill Church of Christ, Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Opposing change in prohibition laws. Senator Frailey from citizens of Hastings and Henderson. Senator Bennett from citizens of Denison. Liquor control.

Favoring passage of old age pension bill. Senator Wenner from citizens of Waterloo. Senator Irwin from citizens of Clinton. Judiciary No. 2.

Opposing gross income tax measure and Beatty-Bennett bill. Senator Irwin from citizens of Waterloo. Tax revision and reorganization, and emergency legislation.

Opposing proposed bill to regulate purchase of livestock. Senator Booth from Burke and Dorsey of Anita; Frank Brothers of Griswold; Fred Schwery, E. A. Schell, J. J. Herkenrath, John Rosenthal, Pat Monahan, H. A. Vantersch, Louis Raymond, all of Portsmouth. Agriculture.

Opposing salaries proposed for liquor commission. Liquor control. Also, change in state gas tax on tractors and stationary engines. Motor vehicles. Favoring payment of taxes by salaried officers and employees. Favoring retail sales or net income tax. Tax revision and reorganization. Also, House Files 10 and 81. Motor vehicles, and county and township affairs. Senator Ritchie from United Taxpayers, and Farm Bureau of Buena Vista county.

INTRODUCTION OF BILLS

Senate File No. 108, by Senator Irwin, a bill for an act to amend chapter thirty-seven (37), Acts of Forty-fifth (45th) General Assembly, relating to the sale of beer, and to prohibit the sale of beer after March first (1st), 1934, unless sixty-six and two thirds per cent ($66\frac{2}{3}\%$) or more of the grain used in its manufacture consists of barley malt.

Read first and second times and referred to committee on judiciary No. 1.

Senate File No. 109, by Senator Irwin, a bill for an act to amend section three hundred eighty (380), Code, 1931, as amended by chapter fourteen (14), Acts Forty-fifth (45th) General Assembly, relating to the limitation on expenditures of certain municipalities.

Read first and second times and referred to committee on cities and towns.

Senate File No. 110, by committee on agriculture, a bill for an act to amend sections thirty-one hundred twenty-seven (3127), thirty-one hundred thirty (3130), and thirty-one hundred thirty-seven (3137), Code, 1931, and to repeal sections thirty-one hundred twenty-nine (3129) and thirty-one hundred thirty-six (3136), Code, 1931, and to enact a substitute therefor, relating to agricultural seeds.

Read first and second times and placed on the calendar.

Senate File No. 111, by committee on agriculture, a bill for an act to define Live Stock remedies, provide for their registration and require an inspection fee; to amend sections thirty-one hundred thirteen (3113) and thirty-one hundred fifteen (3115), Code, 1931, and to repeal section thirty-one hundred nineteen (3119), Code, 1931.

Read first and second times and placed on the calendar.

Senate File No. 112, by Senator Wenner, a bill for an act to clarify the absent voters' law with respect to the oaths required of such voters, and as to the officers who may take and certify such oaths, and to amend and supplement Chapter Forty-four (44) of the Code of Iowa, 1931.

Read first and second times and referred to committee on elections.

Senate File No. 113, by Senator Wenner, a bill for an act to amend Subsection one (1) of Section eleven thousand eight hundred thirty-two (11832) of the Code of Iowa, 1931, relating to the probate powers of the Clerk of the District Court.

Read first and second times and referred to committee on judiciary No. 1.

Senate File No. 114, by Senator Klemme, a bill for an act to amend chapter two hundred forty-one (241) of the Code of Iowa, 1931, and acts amendatory thereto, relating to the financing of secondary roads and to the amount of assessments that may be levied against property for the surfacing of the county secondary road system and to provide for the refund of assessments heretofore made and paid, and for the cancellation of unpaid assessments; also to provide for the payment of outstanding and unpaid certificates of assessments.

Read first and second times and referred to committee on highways.

Senate File No. 115, by Senator Klemme, a bill for an act to amend sections fifty-eight hundred seventy-five (5875) and sixty-two hundred nine (6209), Code, 1931, relating to cities which control their own tax levies for bridge purposes.

Read first and second times and referred to committee on highways.

Senate File No. 116, by Senator Baldwin, a bill for an act to make Section eleven thousand nine hundred and eighty-four (11984), Code, 1931, relating to the payment of claims, applicable to guardians and trustees of estates.

Read first and second times and referred to committee on judiciary No. 2.

Senate File No. 117, by committee on judiciary No. 2, a bill for an act to amend, revise, and codify sections one hundred thirty-six (136), forty-three hundred eighteen (4318), fifty-one hundred sixty (5160), fifty-one hundred sixty-one (5161), fifty-six hundred forty-five (5645), seventy-four hundred ninety-six (7496),

seventy-four hundred ninety-seven (7497), and seventy-four hundred ninety-eight (7498), code, 1931, and all that part of section one hundred thirty-five (135) of said code which follows the word "presentation" in line three (3), relating to warrants drawn on public treasuries and not paid for want of funds.

Read first and second times and placed on the calendar.

Senate File No. 118, by committee on claims, a bill for an act to make an appropriation for Ed. A. Schmidt.

Read first and second times and referred to committee on appropriations.

Senate File No. 119, by Senator Wilson, a bill for an act to amend chapter one hundred twenty-three (123) of the Forty-fifth General Assembly, relating to levies to be made by cities having a population of one hundred thousand or more, for the lighting of streets and public places.

Read first and second times and referred to committee on cities and towns.

Senate File No. 120, by Senator Kimberly, a bill for an act making an appropriation for Adolph Wiese because of injuries sustained by him while performing services while an inmate of the State Penitentiary at Fort Madison, Iowa.

Read first and second times and referred to committee on claims.

HOUSE CONCURRENT RESOLUTION NO. 5 CONSIDERED

Senator Valentine called up House Concurrent Resolution No. 5, found on page 178 of the Senate Journal and moved its adoption:

The resolution was adopted.

REPORT OF JOINT COMMITTEE ON EXTRA HELP CONSIDERED

Senator Kimberly called up for consideration, the report of committee on extra help, as found on page 190 of the Senate Journal, and moved its adoption.

The report was adopted.

SENATE FILE 105 MADE SPECIAL ORDER

By unanimous consent, on request of Senator Booth, Senate File 105 was made a special order for 10:00 a. m. Tuesday, December 5, 1933.

THIRD READING OF BILLS

On motion of Senator Tripp, Senate File 19, a bill for an act to amend sub-section Five of Section Six Thousand Two Hundred Eleven of the Code of Iowa, 1931, relating to sewer fund permitting the use of the sewer fund for the construction, reconstruction, and repair of sewage disposal plant, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Tripp moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 45.

Anderson	Fisch	Knudson	Reese
Aschenbrenner	Frailey	Leo	Ritchie
Baldwin	Geske	McArthur	Roelofs
Beardsley	Harrington	Meyer	Schmidt
Beatty	Hicklin	Miller of	Shangle
Bennett	Hill	Buchanan	Stanley
Booth	Hopkins	Miller of Jones	Stevens of
Byers	Hush	Moore	Decatur
Calhoun	Husted	Mullaney	Tripp
Carden	Irwin	Nelson	Valentine
Doze	Kimberly	Patterson	Wenner
Elthon	Klemme	Pendray	

Nays, none.

Absent or not voting, 5.

Chrystal	Stevens of	Topping	Wilson
Coykendall	Wapello		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Tripp, Senate File 20, a bill for an act to amend Section Six Thousand One Hundred Twenty Five of the Code of Iowa, 1931, relating to sewer bonds and indebtedness by including sewer outlets and/or purifying plants, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Tripp moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?" the vote was:

Ayes, 44.

Anderson	Fisch	McArthur	Roelofs
Aschenbrenner	Frailey	Meyer	Schmidt
Baldwin	Geske	Miller of	Shangle
Beatty	Harrington	Buchanan	Stanley
Bennett	Hicklin	Miller of Jones	Stevens of
Booth	Hill	Moore	Decatur
Byers	Hopkins	Mullaney	Stevens of
Calhoun	Husted	Nelson	Wapello
Carden	Irwin	Patterson	Tripp
Chyrstal	Kimberly	Pendray	Valentine
Coykendall	Klemme	Reese	Wenner
Doze	Knudson	Ritchie	

Nays, 2.

Beardsley	Wilson
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Absent or not voting, 4.

Elthon	Hush	Leo	Topping
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on request of Senator Hicklin, action was deferred on Senate File 25, such bill to retain its place on the calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 74, a bill for an act relating to the payment of road poll tax.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 99, a bill for an act relating to revenues from permit fees.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 111, a bill for an act relating to warrants drawn on public treasuries and not paid for want of funds.

VIRGIL LEKIN, *Chief Clerk.*

THIRD READING OF BILLS

On motion of Senator Anderson, Senate File 28, a bill for an act to regulate the employment of persons seeking employment in public offices, or any person receiving wages from any public board, institution, or officer, and to regulate agencies seeking employment for such persons in public institutions, and to prohibit inquiry concerning the religion or religious affiliations of such persons seeking employment or official positions or positions or offices of public emolument, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

The following committee amendments were considered:

1. By striking the period at the end of the title and adding "and providing penalties for the violation thereof."
2. By striking in Section 2, line 6, the words "one hundred" and inserting in lieu thereof the words "twenty-five".
3. By striking in Section 2, line 6, the words "five hundred" and inserting in lieu thereof the words "one hundred".

President N. G. Kraschel took the chair at 11:05 a. m.

The amendments were adopted.

Senator Tripp offered the following amendment and moved its adoption:

Amend by striking the word "less" in line sixteen (16) of Section two (2), and inserting in lieu thereof the word "more", and by striking all of said section, after the word "days" in line seventeen (17).

By unanimous consent, on request of Senator Tripp, his amendment was withdrawn.

Senator Geske offered the following amendments and moved their adoption:

Amend Section 2, by placing a period after the word "days" as it first appears in line 17 and striking the rest of the section.

Amend section 2, line 16, by striking the word "less" and inserting in lieu thereof the word "more".

Amend section 2, by striking the words "one hundred" in line 15 and inserting in lieu thereof the words "twenty-five".

Amend section 2, by striking the word "five" in line 16 and inserting in lieu thereof the word "one".

The amendments were adopted.

Senators Valentine and Klemme offered the following amendment and moved its adoption:

Amend section 2 by striking from line 10 thereof the words "the plaintiff or".

The amendment was adopted.

Senator Patterson offered the following amendments and moved their adoption:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

"Any violation of Section 4, Article 1 of the Constitution of Iowa is hereby declared to be a misdemeanor."

Also, correct title to read as follows:

"An act regarding Section 4, Article I of the Constitution of Iowa and providing penalties for violation thereof."

Roll call was demanded.

On the question "Shall the amendments be adopted?" the vote was:

Ayes, 27.

Aschenbrenner	Chrystal	Klemme	Ritchie
Beardsley	Coykendall	Knudson	Roelofs
Beatty	Elthon	Leo	Stanley
Bennett	Hill	McArthur	Stevens of
Booth	Hopkins	Miller of Jones	Wapello
Calhoun	Hush	Nelson	Wenner
Carden	Husted	Patterson	Wilson

Nays, 22.

Anderson	Geske	Miller of	Schmidt
Baldwin	Harrington	Buchanan	Shangle
Byers	Hicklin	Moore	Stevens of
Doze	Irwin	Mullaney	Decatur
Fisch	Kimberly	Pendray	Tripp
Frailey	Meyer	Reese	Valentine

Absent or not voting, 1.

Topping

The amendments were adopted.

Senator Calhoun offered the following amendment and moved its adoption:

Amend by striking from section 2, lines 7, 8 and 9, the following:
"or by any resident of this State, to whom such person shall assign his cause of action,".

Senator Calhoun withdrew his amendment, by unanimous consent.

Senator Hicklin offered the following amendment and moved its adoption:

Amend by striking all of Section 2, and inserting the following in lieu thereof:

Sec. 2. Any person, agency, bureau, corporation or association which shall violate any of the provisions of the preceding section, or which shall aid or incite the violation of any of said provisions, shall for each and every violation thereof be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$100.00, or shall be imprisoned not more than 30 days.

Senator Hicklin withdrew his amendment by unanimous consent.

Senator Hopkins offered the following amendment and moved its adoption:

Amend section 1 line 16 by inserting after the word "affiliation" the words "or color".

Senator Hopkins withdrew his amendment, by unanimous consent.

Senator Valentine moved to defer action on Senate File 28.

Roll call was demanded.

On the question, "Shall the motion prevail?" the vote was:

Ayes, 29.

Anderson	Fisch	Meyer	Shangle
Baldwin	Frailey	Miller of	Stevens of
Bennett	Geske	Buchanan	Decatur
Byers	Harrington	Moore	Stevens of
Carden	Hicklin	Mullaney	Wapello
Chrystal	Hush	Pendray	Tripp
Coykendall	Irwin	Reese	Valentine
Doze	Klemme	Schmidt	Wilson

Nays, 17.

Beardsley	Hopkins	Leo	Ritchie
Booth	Husted	Miller of Jones	Roelofs
Calhoun	Kimberly	Nelson	Stanley
Elthon	Knudson	Patterson	Wenner
Hill			

Absent or not voting, 4.

Aschenbrenner	Beatty	McArthur	Topping
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The motion to defer prevailed.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled Senate Joint Resolution No. 3.

HOMER HUSH, *Chairman Senate Committee.*
WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The president of the senate announced that, as president of the senate, he had signed in the presence of the senate, Senate Joint Resolution No. 3.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 28th day of November, 1933, sent to the Governor for his approval, Senate Joint Resolution No. 3. HOMER HUSH, *Chairman.*

Passed on file.

By unanimous consent, on request of Senator Tripp, order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 121, by Senator Tripp, a bill for an act to repeal section eleven thousand seven hundred forty-two (11742) of the 1931 Code, relating to sales of personal property on execution, and to enact a substitute in lieu thereof.

Read first and second times and referred to committee on emergency legislation.

Senate File No. 122, by Senator Geske, a bill for an act to legalize the action of the town council of the Town of Guttenberg, Clayton County, Iowa, appropriating and using certain moneys from the Electric Light Fund of said town for the relief of unemployment in said town.

Read first and second times and referred to committee on judiciary No. 1.

Senate File No. 123, by Senator Irwin, a bill for an act to legalize the corporate existence of the Modern Woodmen Commercial Club of Bryant Camp No. 4318, of Bryant, Iowa.

Read first and second times and referred to committee on judiciary No. 1.

HOUSE MESSAGES CONSIDERED

House File 74, a bill for an act to amend section one (1), Chapter seventy-three (73), Acts of the Forty-fifth (45th) General Assembly, relating to the payment of road poll tax.

Read first and second times and referred to committee on county and township affairs.

House File 99, a bill for an act to amend Section thirty-six (36), chapter thirty-seven (37), Acts of the forty-fifth General Assembly, relating to revenues from permit fees.

Read first and second times and referred to committee on judiciary No. 1.

House File 111, a bill for an act to amend, revise, and codify sections one hundred thirty-six (136), forty-three hundred eighteen (4318), fifty-one hundred sixty (5160), fifty-one hundred sixty-one (5161), fifty-six hundred forty-five (5645), fifty-six hundred forty-six (5646), fifty-six hundred forty-seven (5647), fifty-six hundred forty-eight (5648), seventy-four hundred ninety-six (7496), seventy-four hundred ninety-seven (7497), and seventy-four hundred ninety-eight (7498), Code, 1931, and all that part of section one hundred thirty-five (135) of said code which follows the word "presentation" in line three (3), relating to warrants drawn on public treasuries and not paid for want of funds.

Read first and second times and referred to committee on judiciary No. 2.

REPORTS OF COMMITTEES

Senator Carden submitted the following reports:

MR. PRESIDENT: Your committee on conservation to which was referred Senate File 71, a bill for an act to enable the United States to

acquire state lands for National Forests, begs leave to report it has had the same under consideration and recommends the same do pass.

WM. CARDEN, *Chairman.*

Ordered passed on file.

Also:

Your committee on conservation to which was referred Senate File 74, a bill for an act to amend sections eighteen hundred twenty-two, a-one (1822-a1), eighteen hundred twenty-two, a-two (1822-a2), eighteen hundred twenty-two, a-three (1822-a3), of the Code, 1931, relating to the expenditure by cities in aiding in the purchase of land for state parks, begs leave to report it has had the same under consideration and recommends the same do pass.

WM. CARDEN, *Chairman.*

Ordered passed on file.

Senator Ritchie submitted the following report:

MR. PRESIDENT: Your committee on agriculture, to which was referred Senate File 101, a bill for an act to provide for sanitary inspection of baby chick hatcheries and baby chick establishments and to define the power of the secretary of agriculture, begs leave to report that it has had the same under consideration and recommends the same be amended as follows; and when so amended, the bill do pass:

1. Amend the bill by the adoption of Senator Calhoun's amendment which is found on page 183 of the Journal for November 27, 1933.
2. Further amend said bill by the adoption of Senator Shangle's amendment which is found on page 190 of the Journal for November 27, 1933.
3. Further amend the bill by striking the words "or any rules adopted by the Department of Agriculture" from line two (2) of section fourteen (14); and by striking the figures "\$300.00" in line three (3) of section fourteen (14) and inserting in lieu thereof the figures "\$100.00".

W. R. RITCHIE, *Chairman.*

Ordered passed on file.

The Journal of November 27th was corrected and approved.

AMENDMENTS FILED

Amend Senate File 73 by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. The members of the State Board of Conservation and the Fish and Game Commission, who serve without salary or other compensation, shall be entitled to mileage at the rate of seven and one-half cents per mile of actual and necessary travel for the use of privately owned automobiles in the performance of a public duty."

I. G. CHRYSTAL.

Amend Senate File 28, as amended, by adding thereto the following section:

"Sec. 2. It shall be presumptive evidence of the violation of section one (1) of this act for any person to directly or indirectly ask, indicate, or

transmit orally or in writing the religion or religious affiliation of any person seeking employment or official position in the public schools or any other public office of the state of Iowa.”

I. G. CHRYSTAL.

Amend Senate File 28, as amended, by inserting before the first sentence, the following: “Section 1.”

G. W. PATTERSON.

Senator Ritchie moved to recess until 1:30 p. m. today.

Senator Frailey moved as a substitute that the Senate adjourn until 10:00 a. m. Wednesday.

The substitution was made, the motion prevailed and the Senate adjourned until 10:00 a. m. Wednesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, NOVEMBER 29, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. A. R. Weed, pastor of West Star and Worthington Churches of Winterset, also member of the House of Representatives.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring enactment of law for unemployment insurance. Senator Wilson from United Mine Workers of America, Des Moines. Insurance.

Favoring passage of old age pension bill. Senator Wilson from United Mine Workers of America, Des Moines. Judiciary No. 2.

Opposing proposed bill to regulate purchase of livestock. Senator Aschenbrenner, from Miller, Everett and Geo. E. Mason of Albia, J. E. Armstrong and Jennings Bros. of Lovilia. Senator Miller of Buchanan from farmers of Delaware County. Senator Husted from J. F. Handley, H. H. Bellman, Andrew Sawyers, Elson Robertson, Stoeck Bros., P. J. Tiernan, C. B. Thrift, Garland Howell, L. M. Preston, G. H. Dabney, E. W. Mayer, Herman Pope, J. F. McCleary and W. D. Patterson, all of Winterset. Senator Stanley from Sparr and Steele, Prescott. Agriculture.

Favoring proposed bill to regulate purchase of livestock. Senator Mullaney from West Union Commission Co. Agriculture.

Favoring gross sales tax. Senator Tripp from citizens of Mingo. Favoring gross sales or gross income tax. Senator Wilson from Bricklayers' Local Union No. 2, of the Building Industry of Des Moines. Tax revision and reorganization.

Favoring Beatty-Bennett law. Reduction of public expendi-

tures. Also resolutions regarding public schools and tax on mortgaged property. Senator Leo from Taxpayers League of Benton county. Public schools, and ways and means.

Opposing act to prohibit sale of prison made goods. Senator Wenner from citizens of Hudson and Reinbeck. Labor.

Opposing Moscow Dam project. Senator Aschenbrenner from District 13, United Mine Workers of America, Albia. Drainage.

Opposing Senate File 43. Senator Doze from citizens of Des Moines, Chariton, Williamson, and local union 87 of United Mine Workers of America. Judiciary No. 2.

Favoring Senate File 28. Senator Knudson from citizens of Hamilton county. Judiciary No. 1.

Favoring bill banning Walkathons. Senator Wenner from the Mayor, merchants, National bank, and Woman's Club, of Waterloo. Senator Mullaney from Chamber of Commerce, Oelwein. Judiciary No. 1.

INTRODUCTION OF BILLS

Senate File No. 124, by Senator Irwin, a bill for an act to amend Chapter Thirty-seven (37) of the Laws of the Forty-fifth General Assembly, relating to non-intoxicating liquors, beer, and other malt liquors.

Read first and second times and referred to committee on judiciary No. 1.

Senate File No. 125, by Senators Baldwin and Harrington, a bill for an act providing for the compromise of taxes on real estate for the year 1932 and/or any prior year or years, and providing for redemption from tax sales thereof and repealing all Acts or parts of Acts in conflict herewith and declaring an emergency.

Read first and second times and referred to committee on emergency legislation.

Senate File No. 126, by Senator Valentine, a bill for an act authorizing courts to enter rule for mental examination of persons who affirmatively plead their own mental disability in any legal proceedings to which they are parties.

Read first and second times and referred to committee on judiciary No. 1.

Senate File No. 127, by Senators Valentine, Wilson, Harrington and Geske, a bill for an act to amend sections twenty-five hundred eighty-five-b-one (2585-b1), twenty-five hundred eighty-five-c-eleven (2585-c11), twenty-five hundred eighty-five-c-twelve (2585-c12), twenty-five hundred twelve (2512), twenty-five hundred thirteen (2513), twenty-five hundred twenty-two (2522), twenty-two hundred seventeen (2217), and to amend Chapter one hundred twenty-four-B-one (124-B1) by adding thereto section twenty-five hundred eighty-five-d-one (2585-d1), Code of 1931, relating to the practice of cosmetology, (including manicuring), and providing penalties for the violation of the laws of Iowa and the rules of the department of health relating to cosmetology.

Read first and second times and referred to committee on public health.

Senate File No. 128, by Senators Calhoun and Tripp, a bill for an act to repeal Sections ninety-two hundred eighty-four (9284) to ninety-three hundred five (9305) inclusive, Code of Iowa, 1931, relating to banks and trust companies as fiduciaries.

Read first and second times and referred to committee on banks and banking.

Senate File No. 129, by committee on motor vehicles, a bill for an act to amend Chapter Eighty-three (83), Acts of the Forty-fifth General Assembly, relating to portable flare equipment for certain motor vehicles and the penalty for violation of laws relating thereto.

Read first and second times and placed on the calendar.

Senate File No. 130, by Senator Wenner, a bill for an act to amend section twenty (20), chapter fifty-one (51), Acts of the forty-fifth General Assembly relating to the certification of teachers.

Read first and second times and referred to committee on public schools.

Senate File No. 131, by Senator Baldwin, a bill for an act to strike from chapter thirty-seven (37), Acts Forty-fifth (45th)

General Assembly as amended by chapter thirty-eight (38), Acts Forty-fifth (45th) General Assembly, the following words and figures, to wit: "containing not more than three and two-tenths per centum (3.2%) of alcohol by weight".

Read first and second times and referred to committee on liquor control.

Senate File No. 132, by Senator Aschenbrenner, a bill for an act to legalize the corporate acts and proceedings of Star Automobile Company, of Pella, Marion County, Iowa, and to provide for the renewal and extension of the period of corporate existence and the adoption of renewal, amended and substituted articles of incorporation of said Star Automobile Company.

Read first and second times and referred to committee on judiciary No. 2.

Senate File No. 133, by Senator Topping, a bill for an act creating a presumption in any action or proceeding to recover taxes upon property not listed or assessed for taxation during the life-time of any decedent, that any property, any evidence of ownership of property, and any evidence of a promise to pay, owned by a decedent at the date of his death, had been acquired by such decedent more than five (5) years before the date of his death; and providing that the burden of proving that any such property had been acquired by such decedent less than five (5) years before the date of his death shall be upon the heirs, legatees, and legal representatives of such decedent.

Read first and second times and referred to committee on ways and means.

Senate File No. 134, by Senator Bennett, a bill for an act to amend chapter three hundred thirty (330), Code, 1931, relating to property exempt from taxation; to provide that the homestead of every person shall be exempt from taxation to a named extent, depending on its location; to provide the procedure for obtaining said limited exemption, and the duties of public officers with reference thereto.

Read first and second times and referred to committee on emergency legislation.

Senate File No. 135, by Senators Coykendall, Knudson and Mul-

laney, a bill for an act to amend chapter two hundred fifty-one (251), Code, 1931, relating to motor vehicles and the laws of the road, to provide for a road patrol and for the appointment, powers, duties, compensation and term of office of the members of said patrol.

Read first and second times and referred to committee on motor vehicles.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor stating that on November 23rd he approved the following bills:

Senate File No. 70, relating to sales of real estate for delinquent taxes.

Senate File No. 79, relating to the notice of tax sale by the County Treasurer and the service of such notice by publication in a newspaper.

SENATE FILE 111 REREFERRED

By unanimous consent, on request of Senator Ritchie, Senate File 111 was rereferred to the committee on agriculture.

By unanimous consent on request of Senator Wilson, action on Senate File 28 was deferred, as unfinished business.

By unanimous consent, on request of Senator Wilson, action was deferred on Senate File 25, in the absence of the author, said bill to retain its place on the calendar.

HOUSE FILE 44 SUBSTITUTED FOR SENATE FILE 30

Senator Meyer moved the adoption of the committee report on Senate File 30, recommending passage. The motion prevailed.

By unanimous consent, on request of Senator Wilson, House File 44 was withdrawn from the committee on judiciary No. 1 and substituted for Senate File 30, on the calendar.

THIRD READING OF BILLS

On motion of Senator Meyer, House File 44, a bill for an act to legalize the corporate acts and proceedings of Pooley Lumber Company of Greene, Iowa, and to provide for the renewal and

extension of the period of corporate existence and the adoption of renewal, amended and substituted articles of incorporation by said Pooley Lumber Company, was taken up and considered.

The bill was read for information.

Senator Meyer moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 39.

Anderson	Fisch	Leo	Reese
Aschenbrenner	Geske	McArthur	Ritchie
Baldwin	Harrington	Meyer	Shangle
Beatty	Hopkins	Miller of	Stanley
Booth	Hush	Buchanan	Stevens of
Byers	Husted	Miller of Jones	Wapello
Calhoun	Irwin	Moore	Tripp
Carden	Kimberly	Mullaney	Valentine
Coykendall	Klemme	Patterson	Wenner
Doze	Knudson	Pendray	Wilson
Elthon			

Nays, none.

Absent or not voting, 11.

Beardsley	Frailey	Nelson	Stevens of
Bennett	Hicklin	Roelofs	Décatour
Chrystal	Hill	Schmidt	Topping

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Meyer moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Meyer, Senate File 30, a companion bill to the one just passed was withdrawn.

On motion of Senator Wilson Senate File 37, a bill for an act to amend section fifty-six hundred seventeen (5617), Code, 1931, relating to the severance of territory from a city or town, with report of committee recommending indefinite postponement was taken up, considered, and the report of the committee adopted.

On motion of Senator Booth Senate File 59, a bill for an act to make permanent the temporary transfer, made October 20, 1933, of money from the secondary road maintenance fund to the poor fund of Cass County, Iowa, with report of committee recommending passage, was taken up, and considered.

The bill was read for information.

By unanimous consent on request of Senator Booth, action was deferred on Senate File 59, to wait for the proof of publication.

On motion of Senator Anderson Senate File 78, a bill for an act to repeal Chapter five hundred ninety-six (596) of the Code, 1931, relating to the "desecration of the Sabbath" and prohibiting the carrying of fire arms, shooting, hunting, dancing, horse racing, and the buying and selling of property; and prohibiting the operation of trains and the operation of automobiles, which said chapter of the Code has never been enforced and has been openly violated in the state, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hush offered the following amendment and moved its adoption.

Amend the title by inserting a period after the word "Sabbath" in line two (2) thereof and striking the remainder of the title.

Senator Byers moved to defer action on Senate File 78.

The motion was lost.

The amendment was adopted.

Senator Hopkins moved the previous question which motion prevailed.

Senator Anderson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 15.

Anderson	Fisch	Kimberly	Reese
Baldwin	Geske	Meyer	Schmidt
Byers	Harrington	Moore	Valentine
Coykendall	Irwin	Mullaney	

Nays, 31.

Aschenbrenner	Hill	Miller of	Stanley
Beardsley	Hopkins	Buchanan	Stevens of
Beatty	Hush	Miller of Jones	Decatur
Bennett	Husted	Nelson	Stevens of
Booth	Klemme	Patterson	Wapello
Calhoun	Knudson	Pendray	Tripp
Carden	Leo	Ritchie	Wenner
Doze	McArthur	Roelofs	Wilson
Elthon		Shangle	

Absent or not voting, 4.

Chrystal

Frailey

Hicklin

Topping

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

Senator Calhoun moved that the vote by which the bill failed to pass the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

On motion of Senator Carden Senate File 80, a bill for an act to repeal section two thousand thirteen-c five (2013-c5), Code, 1931, and to enact a substitute therefor relating to the requisition of vehicles condemned under chapter ninety-seven (97) of said Code, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Carden offered the following amendment and moved its adoption:

Amend by striking Sec. 2 and inserting in lieu thereof the following:

"Sec. 2. This act being deemed of immediate importance shall be in full force and effect after its passage and publication in The Mount Pleasant News, a newspaper published at Mount Pleasant, Iowa, and in The Winfield Beacon, a newspaper published in the City of Winfield, Iowa."

The amendment was adopted.

Senator Beatty offered the following amendments and moved their adoption:

Amend section 1 line 5 by inserting after the word "town" the words "in such county"; also amend line 5 by striking the word "and" after the word "county" and inserting in lieu thereof the word "or".

The amendments were adopted.

Senator Carden offered the following amendment and moved its adoption:

Amend section 1 by striking from line 9 the word "the".

The amendment was adopted.

Senator Miller of Buchanan offered the following amendment and moved its adoption:

Amend section 1 by inserting after the word "town." in line 11 the following:

"No officer of any county or city shall be allowed mileage for the performance of any official duty wherein he uses a publicly owned car."

The amendment was adopted.

Senator Beardsley moved the previous question, which motion prevailed.

Senator Carden moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 41.

Aschenbrenner	Doze	McArthur	Ritchie
Baldwin	Elthon	Meyer	Roelofs
Beardsley	Geske	Miller of	Schmidt
Beatty	Hill	Buchanan	Stanley
Bennett	Hopkins	Miller of Jones	Stevens of
Booth	Hush	Moore	Decatur
Byers	Husted	Mullaney	Stevens of
Calhoun	Irwin	Nelson	Wapello
Carden	Klemme	Patterson	Tripp
Chrystal	Knudson	Pendray	Wenner
Coykendall	Leo	Reese	Wilson

Nays, 3.

Anderson	Kimberly	Shangle
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Absent or not voting, 6.

Fisch	Harrington	Topping	Valentine
Frailey	Hicklin		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hush moved that the title be amended by striking the period (.) at the end of the title and inserting a comma (,) and adding the following: "and providing that mileage may not be charged by public officials when using publicly owned cars."

The amendment was adopted and the title as amended was agreed to.

Senator Carden moved that the vote by which the bill passed the Senate be reconsidered and the motion to reconsider be laid on the table. The motion prevailed.

Senator Hill called up for consideration House Concurrent Resolution No. 6 as found on page 166 of the Senate Journal and moved its adoption.

Senator Hill offered the following amendment and moved its adoption:

Amend by striking the figures "10:00" and inserting in lieu thereof the figures "9:30".

Senator Kimberly moved to lay the resolution on the table.

Roll call was demanded.

On the question, "Shall the motion to table prevail?" the vote was:

Ayes, 25.

Anderson	Irwin	Miller of Jones	Shangle
Aschenbrenner	Kimberly	Moore	Stevens of
Baldwin	Knudson	Mullaney	Decatur
Byers	McArthur	Patterson	Valentine
Chrystal	Meyer	Pendray	Wenner
Geske	Miller of	Roelofs	Wilson
Harrington	Buchanan	Schmidt	

Nays, 18.

Beardsley	Carden	Hopkins	Stanley
Beatty	Coykendall	Hush	Stevens of
Bennett	Doze	Husted	Wapello
Booth	Elthon	Klemme	Tripp
Calhoun	Hill	Ritchie	

Absent or not voting, 7.

Fisch	Hicklin	Nelson	Topping
Frailey	Leo	Reese	

The motion to table prevailed.

Senator Kimberly moved that when the Senate adjourns it be to reconvene at 10:00 a. m. Friday, December 1st.

Roll call was demanded.

On the question "Shall the motion prevail?" the vote was:

Ayes, 43.

Anderson	Elthon	Meyer	Roelofs
Aschenbrenner	Geske	Miller of	Schmidt
Baldwin	Harrington	Buchanan	Shangle
Beardsley	Hill	Miller of Jones	Stevens of
Beatty	Hopkins	Moore	Decatur
Bennett	Husted	Mullaney	Stevens of
Booth	Irwin	Nelson	Wapello
Byers	Kimberly	Patterson	Tripp
Carden	Klemme	Pendray	Valentine
Chrystal	Knudson	Reese	Wenner
Coykendall	Leo	Ritchie	Wilson
Doze	McArthur		

Nays, 3.

Calhoun Hush Stanley

Absent or not voting, 4.

Frailey Fisch Hicklin Topping

The motion to lay on the table prevailed.

Senator Kimberly moved that the vote by which the motion to table prevailed be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

The Journal of November 28th was corrected and approved.

COPIES SENATE FILE 55 ORDERED

By unanimous consent, on request of Senator Harrington, 300 extra copies of Senate File 55 were ordered printed.

AMENDMENTS FILED

Amend House File 111 by striking from lines six (6), seven (7), and eight (8) the words "issued under a resolution or contract providing that it shall not draw interest, or shall draw interest at a lower rate" and inserting in lieu thereof the following:

"the treasurer arranges for the sale of said warrant at par at a lower rate of interest".

GEO. M. HOPKINS.

Amend Senate File No. 97 by striking Sec. 2 and inserting in lieu thereof the following:

"Sec. 2. This act being deemed of immediate importance shall be in full force and effect after its passage and publication in The Washington Evening Journal, a newspaper published at Washington, Iowa, and in The New London Journal, a newspaper published in the City of New London, Iowa."

WILLIAM CARDEN.

On motion of Senator Shangle the Senate adjourned, the time having been fixed previously for 10:00 a. m. Friday December 1st.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 1, 1933.

The Senate met in regular session, Senator George A. Wilson presiding, at the request of President N. G. Kraschel.

Prayer was offered by Representative P. H. Donlon, of Palo Alto county.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Opposing Senate File No. 55. Senator Hopkins from citizens of Gray. Agriculture.

Opposing Senate File 43. Senator Doze from citizens of Melcher and Dallas City. Judiciary No. 1.

INTRODUCTION OF BILLS

Senate File No. 136, by Senator Schmidt, a bill for an act to repeal sections fourteen (14) to sixteen (16), inclusive, and sections fourteen-a one (14-a1) to fourteen-a three (14-a3), inclusive, and section seventeen-c one (17-c1), Code, 1931, and to enact a substitute therefor, relating to compensation and mileage of members of the General Assembly, and to the payment of the same.

Read first and second times and passed on file.

Senate File No. 137, by Senator Chrystal, a bill for an act to authorize county officers, when authorized by the district court or a judge thereof, to deposit certain funds in their possession, in depositories, when said funds are not public funds, and to exempt said officers from loss under certain conditions.

Read first and second times and passed on file.

Senate File No. 138, by Senator Chrystal, a bill for an act to provide for the expense of the bonds of the county auditors, clerks,

recorders, attorneys, sheriffs, and county superintendents of schools.

Read first and second times and passed on file.

Senate File No. 139, by Senator Doze, by request, a bill for an act to provide for the public welfare through the recognition of the economic emergency existing in the state and nation; to declare the policy of the state of Iowa to be that of cooperating with and assisting the national government in promoting an increase in the consumption of industrial and agricultural products by increasing purchasing power, to reduce and relieve unemployment, and otherwise to rehabilitate industry and conserve the national resources; and to use the state and local officers and employees of the state of Iowa to enforce the act of congress entitled "An act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes", approved June 16, 1933 and commonly known as the "National Industrial Recovery Act."

Read first and second times and passed on file.

The journal of November 29th was corrected and approved.

On motion of Senator Frailey, the Senate adjourned until 10:00 a. m. Monday, December 4th.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 4, 1933.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. Henry McCraven, pastor of the A. M. E. Church of Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Shangle for the day, on account of illness on request of Senator Stevens of Decatur.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring Senate File 83. Senator Hicklin from members of Muscatine Fire Department. Cities and towns.

Opposing Senate File 53. Senator Wenner from Grundy County Farm Bureau. Agriculture.

Favoring passage of old age pension bill. Senator Hicklin from citizens of Muscatine. Judiciary No. 2.

Favoring passage of bill giving preference to Iowa products. Senator Wilson from Local Union 1136 of United Mine Workers of America, Des Moines. Manufacturing, commerce and trade.

Favoring replacement taxes, limiting tax on real estate to ten mills. Senator Baldwin from citizens of Dubuque county. Tax revision and reorganization.

Favoring gross income tax. Senator Hicklin from Board of Supervisors of Louisa county. Tax revision and reorganization.

Opposing proposed change in compensation law. Senator Wilson from Local Union 1136, United Mine Workers of America, Des Moines. Insurance.

Favoring proposed bill to increase restaurant license fees. Senator Beardsley from Swisher Cafe, Paramount Cafe, Coffee Shoppe, Sim Cafe, and Carr's Cafe, all of Osceola. Cities and towns.

Opposing weighing and grading bill. Senator Mullaney from citizens of Postville. Agriculture.

Opposing proposed bill regulating purchase of livestock. Senator Beardsley from hog producers of Clarke and Warren counties. Senator Carden from A. T. Augustine of Westchester. Senator Booth from Charles Morgan and Ira Cambridge of Atlantic, and business men of Cass and Shelby counties. Senator Hopkins from farmers and business men of Dallas county. Senator Mullaney from citizens of Waukon and vicinity. Agriculture.

Opposing proposed bill preventing the sale of prison made goods. Senator Roelofs from citizens of Orange City, Alton, and Granville. Labor.

Favoring House Files 42 and 43. Senator Fisch from citizens of Ida County. Public utilities.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me, as Secretary of the Senate, a proof of publication from The Atlantic News-Telegraph, Atlantic, Iowa, relating to Senate File No. 59, a bill for an act to make permanent the temporary transfer, made October 20, 1933, of money from the secondary road maintenance fund to the poor fund of Cass County, Iowa.

BYRON G. ALLEN, *Secretary of the Senate.*

Senator Husted moved that when the Senate adjourns it be to reconvene at 10:00 o'clock a. m. Tuesday; that in the interval the Senate recess from time to time for the purpose of introducing bills.

The motion prevailed.

PRESENTATION OF GAVEL TO PRESIDENT PRO TEMPORE

Senator Stevens of Wapello moved that the chief doorkeeper, Redfield C. Mills, be allowed to address the Senate.

The motion prevailed and Mr. Mills presented President pro tempore Harold L. Irwin with a gavel, on behalf of the following named employees of the Senate: Redfield C. Mills, chief doorkeeper, and the following assistant doorkeepers: James Hamilton, Geo. W.

Hamilton, W. D. Wallace, John F. Baker, B. J. Beck, and W. D. Clark; William Boyle sergeant-at-arms and Harry Wilson, assistant sergeant-at-arms; Miss Marjorie Wilkinson, bill clerk and H. O'Brien, file clerk; J. S. Dolan, post office messenger and Carl Asehan, mail messenger; Neva Ball, committee clerk..

The president pro tempore accepted the gavel with a brief speech of thanks.

INTRODUCTION OF BILLS

Senate File No. 140, by Senator McArthur, a bill for an act to amend section ten thousand six hundred thirty-nine (10639), code, 1931, relating to criminal fees of police judges in townships having a population of more than twelve thousand persons.

Read first and second times and referred to committee on judiciary No. 2.

Senate File No. 141, by Senator Mullaney, a bill for an act to legalize the proceedings of the board of directors of The Elgin-Brainard Farmers Cooperative Company of Elgin, Iowa.

Read first and second times and referred to committee on judiciary No. 1.

Senate File No. 142, by Senator Tripp, a bill for an act providing for the non-partisan nomination and election of judges of the Supreme and district courts of the state of Iowa; also for the form and contents of declaration of candidacy of such candidates and accompanying petitions; for the time and place of filing same and fees to be paid in connection therewith; for the certification of the names of such candidates by the secretary of state to county auditors, and prescribing the duties of county auditors in connection therewith; providing for the form of ballots to be used for determining what candidates have been nominated for such offices; and providing for the certification of such nomination by the secretary of state to county auditors and prescribing the duties of county auditors in connection with the general elections; providing for the form of ballots to be used and also for determining what candidates have been elected for such offices; providing for the use of voting machines and also for the filling of vacancies; also that the general laws applicable to primary elections and to general elections unless inconsistent with the provisions of this act, shall govern in the nomination of candidates at the primary election and in the election

of candidates at the general election, and repealing all acts and parts of acts in conflict herewith.

Read first and second times and referred to committee on elections.

Senate File No. 143, by Senator Hicklin, a bill for an act to prohibit the cancellation of a health or accident insurance policy during its term.

Read first and second times and referred to committee on insurance.

Senate File No. 144, by Senator Miller of Buchanan, a bill for an act directing the State Fish and Game Commission to divide the State of Iowa into four equal zones, and providing that funds derived from the sale of fishing and hunting licenses shall be spent in the zone wherein same were collected.

Read first and second times and referred to committee on fish and game.

Senate File No. 145, by Senator Mullaney, a bill for an act authorizing the state executive council to purchase for this state or in conjunction with an adjoining state interstate bridge or bridges and the franchise or franchises thereof connecting a primary or trunk highway of this state with a primary or trunk highway of an adjoining state and to provide funds therefor.

Read first and second times and referred to committee on highways.

Senate File No. 146, by Senators Anderson and Roelofs, a bill for an act to establish and create a hydro electric power commission; to define its duties, powers and obligations; to provide for the appointment and confirmation of the members thereof; to authorize said hydro electric power commission to conserve, control and develop the waters of the state for the use and benefit of the people thereof and to establish, construct and operate electric power plants and distribution systems throughout the state; to authorize said hydro electric power commission to generate, distribute, and sell at wholesale or retail electric energy and current and to anticipate the revenue or revenues of such plant or plants and systems for a period of not to exceed thirty (30) years and to issue anticipatory warrants and to secure the same by first liens

on or against the revenue or revenues of such plant, or plants and systems to cover the cost or costs of construction, improvement, extension or operation of such plants and systems and to authorize said hydro electric power commission to do all such other acts and things as may be necessary and requisite to carry out the purposes and intents of this act.

Read first and second times and referred to committee on departmental affairs.

Senate File No. 147, by committee on claims, a bill for an act to make an appropriation to Mrs. B. Cole.

Read first and second times and referred to committee on appropriations.

Senate File No. 148, by committee on claims, a bill for an act to make an appropriation to Mercy Hospital of Oelwein, Iowa.

Read first and second times and referred to committee on appropriations.

Senate File No. 149, by committee on claims, a bill for an act to make an appropriation to Robert A. Turpin.

Read first and second times and referred to committee on appropriations.

Senate File No. 150, by Senator Harrington, a bill for an act to repeal chapters ninety-four (94), ninety-five (95), ninety-six (96), ninety-seven (97), ninety-eight (98), ninety-nine (99), one hundred (100), one hundred one (101), one hundred two (102), one hundred three (103), and one hundred four (104) of Title VI of the Code of Iowa, 1931, relating to intoxicating liquors; to create a state liquor control commission; to provide revenue by taxation of liquors and wines and from licenses and permits to buy and sell liquors and wines; and to provide punishment for violations of the provisions of this act.

Read first and second times and referred to committee on liquor control.

Senate File No. 151, by Senator Wilson, a bill for an act providing for payment of costs in proceedings brought against a peace officer.

Read first and second times and referred to committee on judiciary No. 2.

Senate File No. 152, by Senator Wilson, a bill for an act to legalize and validate proceedings taken by the City Council of the City of Des Moines, Iowa, authorizing and providing for the issuance of bonds for public improvement purposes and making provisions for the levy of taxes to pay said bonds.

Read first and second times and referred to committee on judiciary No. 2.

Senate File No. 153, by Senator Wilson, by request, a bill for an act to authorize, and provide a method for the discontinuance of the "Stamp-Note Plan" as authorized by Section 103, Laws of the Forty-Fifth General Assembly, and to authorize the retirement and redemption by counties that have adopted the Stamp-Note Plan, of stamp-notes issued in the name of the county.

Read first and second times and referred to committee on banks and banking.

Senate File No. 154, by Senator Kimberly, a bill for an act to amend section sixty-seven hundred ninety-one (6791), Code, 1931, as to clearly require, in cities acting under special charters, the submission to popular election of the question of granting franchises for the operation of certain public utilities.

Read first and second times and referred to committee on cities and towns.

Senate File No. 155, by Senators Chrystal and Roelofs, a bill for an act to provide for the licensing of direct buyers of livestock, regulating the conduct of such buyers, providing for the weighing, grading, and docking of livestock so bought, and for the inspecting of scales used in such weighing, prohibiting discrimination and unfair competition in such purchases, and providing penalties, and repealing Chapter sixty-seven (67), Acts of the Forty-fourth General Assembly.

Read first and second times and referred to committee on emergency legislation.

Senate File No. 156, by Senator Ritchie, a bill for an act recognizing the existence of a public emergency in connection with sales

of property under foreclosure; forbidding that, prior to March 1, 1935, such sales be held or that, prior to said date, sheriffs' deeds of conveyance be executed pursuant to such sales heretofore made, or that, prior to said date, any judgment or order impose upon any mortgagor any terms or provisions whatsoever, as a condition of his retaining possession of mortgaged land; forbidding any receivership of such land; defining as mortgages all realty trust deeds given as security; providing for excepting certain mortgages from the provisions of the act, and for waiver by a mortgagor of any of the provisions thereof, for the suspension of acts in conflict herewith, for keeping in force all constitutional parts thereof, for preserving all rights of mortgagors under judgments rendered or orders made under any act heretofore passed for the relief of mortgage debtors; providing for liberal construction of the act, for the appeal of judgments rendered or orders made in contravention thereof, and for putting same into effect forthwith as an emergency measure.

Read first and second times and referred to committee on emergency legislation.

THIRD READING OF BILLS

By unanimous consent, on request of Senator Anderson, action on Senate File 28 was deferred.

By unanimous consent, on request of Senator Hicklin, Senate File 25 was withdrawn from further consideration.

By unanimous consent, on request of Senator Chrystal, action on Senate File 73 was deferred, said bill to retain its place on the Calendar.

CONSIDERATION OF SENATE FILE 59 RESUMED

Senator Booth called up for consideration Senate File 59, upon which action was deferred on page 210 of the Senate Journal, and moved the adoption of the committee report recommending passage.

The report was adopted.

Senator Booth moved that the reading previously had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 41.

Anderson	Fisch	Knudson	Roelofs
Aschenbrenner	Frailey	Leo	Schmidt
Baldwin	Geske	McArthur	Stevens of
Beatty	Harrington	Meyer	Decatur
Bennett	Hicklin	Miller of	Stevens of
Booth	Hill	Buchanan	Wapello
Byers	Hopkins	Miller of Jones	Topping
Calhoun	Husted	Mullaney	Tripp
Carden	Irwin	Nelson	Valentine
Chrystal	Kimberly	Pendray	Wenner
Doze	Klemme	Reese	Wilson

Nays, 2.

Beardsley	Hush
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Absent or not voting, 7.

Coykendall	Moore	Ritchie	Stanley
Elthon	Patterson	Shangle	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Booth moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Booth, the bill was messaged to the House immediately.

THIRD READING OF BILLS

On motion of Senator Wilson House File 86, a bill for an act to legalize and validate an issue of \$210,000.00 school building bonds of the independent school district of Clinton, in the county of Clinton, state of Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Wilson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 45.

Anderson	Carden	Geske	Irwin
Aschenbrenner	Chrystal	Harrington	Kimberly
Baldwin	Coykendall	Hicklin	Klemme
Bennett	Doze	Hill	Knudson
Booth	Elthon	Hopkins	Leo
Byers	Fisch	Hush	McArthur
Calhoun	Frailey	Husted	Meyer

Miller of Buchanan	Nelson Pendray	Schmidt Stanley	Topping Valentine
Miller of Jones	Reese	Stevens of	Wenner
Moore	Ritchie	Decatur	Wilson
Mullaney	Roelofs	Stevens of Wapello	

Nays, none.

Absent or not voting, 5.

Beardsley	Patterson	Shangle	Tripp
Beatty			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Wilson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

On motion of Senator Carden Senate File 97, a bill for an act to amend section nineteen hundred ninety (1990), Code, 1931, relative to the condemnation of intoxicating liquors, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

President N. G. Kraschel appeared and presided in the chair at 10:55 a. m.

Senator Carden offered the following amendment and moved its adoption:

Amend by adding as Sec. 2 the following:

"Sec. 2. This act being deemed of immediate importance shall be in full force and effect after its passage and publication in *The Washington Evening Journal*, a newspaper published at Washington, Iowa, and in *The New London Journal*, a newspaper published in the City of New London, Iowa."

The amendment was adopted.

Senator Hush offered the following amendment and moved its adoption:

Amend by striking all of line 2 following the word "by" and inserting in lieu thereof: "striking the period (.) at the end of paragraph two (2) and adding thereto the following,".

The amendment was adopted.

Senator Carden moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 47.

Anderson	Fisch	Leo	Roelofs.
Aschenbrenner	Frailey	McArthur	Schmidt
Baldwin	Geske	Meyer	Stanley
Beardsley	Harrington	Miller of	Stevens of
Beatty	Hicklin	Buchanan	Decatur
Booth	Hill	Miller of Jones	Stevens of
Byers	Hopkins	Moore	Wapello
Calhoun	Hush	Mullaney	Topping
Carden	Husted	Patterson	Tripp
Chrystal	Irwin	Pendray	Valentine
Coykendall	Kimberly	Reese	Wenner
Doze	Klemme	Ritchie	Wilson
Elthon	Knudson		

Nays, none.

Absent or not voting, 3.

Bennett Nelson Shangle

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Carden moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Roelofs, action was deferred on Senate File 45, said bill to retain its place on the calendar.

On motion of Senator Ritchie Senate File 101, by committee on agriculture, a bill for an act to provide for sanitary inspection of baby chick hatcheries and baby chick establishments and to define the power of the Secretary of Agriculture, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

The following committee amendments were considered:

1. Amend the bill by the adoption of Senator Calhoun's amendment which is found on page 183 of the Journal for November 27, 1933.
2. Further amend said bill by the adoption of Senator Shangle's amendment which is found on page 190 of the Journal for November 27, 1933.
3. Further amend the bill by striking the words "or any rules adopted by the Department of Agriculture" from line two (2) of section fourteen (14); and by striking the figures "\$300.00" in line three (3) of section fourteen (14) and inserting in lieu thereof the figures "\$100.00".

Senator Calhoun offered the following amendment and moved its adoption:

Amend by striking the last sentence of section 8 and all of section 9 and by renumbering the remaining sections.

The amendment was adopted.

Senator Shangle offered the following amendment and moved its adoption:

In Section Thirteen (13), line three (3) insert after the word "knowing" the words "or having good reason to suspect".

The amendment was adopted.

The committee amendments were adopted.

By unanimous consent, on request of Senator Ritchie, action was deferred temporarily.

On motion of Senator Frailey Senate File 16, a bill for an act to amend section eleven thousand forty-nine (11049), Code, 1931, relating to the place of bringing actions, with report of committee recommending indefinite postponement, was taken up, considered and the report of the committee adopted.

By unanimous consent on request of Senator Ritchie, action on Senate File 110 was deferred, said bill to retain its place on the Calendar.

On motion of Senator Hicklin Senate File 117, a bill for an act to amend, revise, and codify sections one hundred thirty-six (136), forty-three hundred eighteen (4318), fifty-one hundred sixty (5160), fifty-one hundred sixty-one (5161), fifty-six hundred forty-five (5645), seventy-four hundred ninety-six (7496), seventy-four hundred ninety-seven (7497), and seventy-four hundred ninety-eight (7498), code, 1931, and all that part of section one hundred thirty-five (135) of said code which follows the word "presentation" in line three (3), relating to warrants drawn on public treasuries and not paid for want of funds, a judiciary No. 2 committee bill, was taken up and considered.

By unanimous consent, on request of Senator Hicklin House File 111 was substituted for Senate File 117.

On motion of Senator Hicklin House File 111, by committee on judiciary No. 2, a bill for an act to amend, revise, and codify sections one hundred thirty-six (136), forty-three hundred eighteen (4318), fifty-one hundred sixty (5160), fifty-one hundred sixty-one (5161), fifty-six hundred forty-five (5645), seventy-

four hundred ninety-six (7496), seventy-four hundred ninety-seven (7497), and seventy-four hundred ninety-eight (7498), Code, 1931, and all that part of section one hundred thirty-five (135) of said code which follows the word "presentation" in line three (3), relating to warrants drawn on public treasuries and not paid for want of funds, was taken up, and considered.

Senator Hopkins offered the following amendment and moved its adoption:

Amend Sec. 2 by striking from lines six (6), seven (7), and eight (8) the words "issued under a resolution or contract providing that it shall not draw interest, or shall draw interest at a lower rate" and inserting in lieu thereof the following:

"the treasurer arranges for the sale of said warrant at par at a lower rate of interest".

The amendment was adopted.

The bill was read for information.

Senator Hicklin moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 43.

Anderson	Fisch	Leo	Ritchie
Aschenbrenner	Frailey	Meyer	Roelofs
Baldwin	Geske	McArthur	Stanley
Beardsley	Hicklin	Miller of	Stevens of
Bennett	Hill	Buchanan	Decatur
Booth	Hopkins	Miller of Jones	Stevens of
Byers	Hush	Moore	Wapello
Calhoun	Husted	Mullaney	Topping
Carden	Irwin	Patterson	Tripp
Coykendall	Kimberly	Pendray	Valentine
Doze	Klemme	Reese	Wenner
Elthon	Knudson		

Nays, none.

Absent or not voting, 7.

Beatty	Harrington	Schmidt	Wilson
Chrystal	Nelson	Shangle	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on request of Senator Hicklin, Senate File 117 was withdrawn from further consideration.

On motion of Senator Booth Senate File 129, a bill for an act to amend Chapter Eighty-three (83), Acts of the Forty-fifth Gen-

eral Assembly, relating to portable flare equipment for certain motor vehicles and the penalty for violation of laws relating thereto, a motor vehicle's committee bill, was taken up and considered.

Senator Hush offered the following amendment and moved its adoption:

Amend by inserting immediately following the word "also" in line five (5) of Section One (1) the following: "amend said section".

The amendment was adopted.

Senator Wenner offered the following amendment and moved its adoption:

Amend section 1 by striking from line 10 the word "and" and inserting in lieu thereof the word "or".

The amendment was adopted.

The bill was read for information.

Senator Hush moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 46.

Anderson	Frailey	Leo	Ritchie
Aschenbrenner	Geske	McArthur	Roelofs
Baldwin	Harrington	Meyer	Schmidt
Beardsley	Hicklin	Miller of	Stanley
Bennett	Hill	Buchanan	Stevens of
Booth	Hopkins	Miller of Jones	Decatur
Byers	Hush	Moore	Stevens of
Calhoun	Husted	Mullaney	Wapello
Carden	Irwin	Nelson	Topping
Coykendall	Kimberly	Patterson	Valentine
Doze	Klemme	Pendray	Wenner
Elthon	Knudson	Reese	Wilson
Fisch			

Nays, none.

Absent or not voting, 4.

Beatty	Chrystal	Shangle	Tripp
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Doze, under rule No. 35, withdrew Senate File 24 from the committee on public utilities and placed it on the calendar.

Senator Doze asked unanimous consent to consider Senate File 24.

Objection was raised.

Senator Doze asked unanimous consent to have Senate File 24 made a special order for tomorrow at 11:00 a. m.

Objection was raised.

Senator Byers moved that immediately after the special order set for tomorrow, December 5th, is disposed of, the Senate resolve itself into a committee of the whole for the purpose of taking up tax revision bills.

Senator Topping moved as a substitute motion that Senator Byers be made a member of the committee on tax revision and reorganization.

Senator Booth raised the point of order that the substitute motion was out of order as it was contrary to the rules.

The President held that the point of order was well taken and that it would take a two-thirds majority vote to change the rules.

Senator Wilson raised the point of order that the tax revision bills not being before the Senate, the motion of Senator Byers was out of order.

Senator Mullaney moved to lay the motion on the table.

Senator Mullaney withdrew his motion, by unanimous consent.

Senator Wenner moved to recess until 1:15 p. m., today.

The motion prevailed.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

By unanimous consent, on request of Senator Husted, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 157, by Senator Husted, a bill for an act in reference to private banks and their examination and regulation by the superintendent of banks and to amend section ninety-one hundred forty-three (9143), Code, 1931, relating to fees for examination.

Read first and second times and referred to committee on banks and banking.

Senate File No. 158, by Senator Knudson, a bill for an act to fix and declare the legal liability of contractors on public improvement contracts for actionable negligence of themselves, their subcontractors, their independent contractors, and of the employees of any of them.

Read first and second times and referred to committee on judiciary No. 1.

Senate File No. 159, by Senator Baldwin, a bill for an act to amend sections five (5), seven (7), fifteen (15), twenty (20), twenty-one (21) and thirty-six (36) of chapter thirty-seven (37) of the laws of the forty-fifth general assembly; to repeal sections nineteen (19) and twenty-five (25) of chapter thirty-seven (37) of the laws of the forty-fifth general assembly; to amend section three (3) of chapter thirty-eight (38) of the laws of the forty-fifth general assembly; to authorize counties, through boards of supervisors, to issue and revoke class "B" and "C" permits outside limits of cities and towns, revenue therefrom to accrue to the county general fund; all relating to the manufacture, distribution and sale of beer.

Read first and second times and referred to committee on liquor control.

Senate File No. 160, by Senators Baldwin and Moore, a bill for an act to amend section fifteen (15) of chapter thirty-seven (37) of the laws of the forty-fifth general assembly; to amend section three (3) of chapter thirty-eight (38) of the laws of the forty-fifth general assembly; relating to sales of beer by class "B" and class "C" permit holders for consumption off the premises.

Read first and second times and referred to committee on liquor control.

Senate File No. 161, by Senator Baldwin, a bill for an act to amend section eighty-six hundred seventy-one (8671), code, 1931, relating to amount of life insurance which may be written without medical examination.

Read first and second times and referred to committee on insurance.

Senate File No. 162, by Senator Baldwin, a bill for an act to amend section twenty-eight (28) of chapter thirty-seven (37) of the laws of the forty-fifth general assembly relating to exemption from tax of beer shipped outside the state by class "A" permittee and beer sold by one class "A" permittee to another class "A" permittee.

Read first and second times and referred to committee on liquor control.

Senate File No. 163, by Senator Ritchie, by request, a bill for an act to suspend section seventy-two hundred seventy-nine (7279), Code, 1931, relating to expiration of right of redemption of real estate sold for taxes.

Read first and second times and referred to committee on emergency legislation.

Senate File No. 164, by Senator Wenner, a bill for an act to amend Chapter Five Hundred Twenty-two (522) of the Code of 1931 by clarifying the method of making payment in case of purchase by one having an interest in the property and providing for notice of the time and place of sale in partition proceedings, and for protesting the amount and terms if sold at private sale.

Read first and second times and referred to committee on emergency legislation.

Senate File No. 165, by Senator Wenner, a bill for an act to provide for the payment of a portion of the tax on the proceeds from fire insurance premiums paid by certain fire insurance companies, associations or other insurers as provided by law, to cities and towns, including special charter cities, maintaining organized fire departments as provided herein; and providing for reports to be made by such cities and towns, and providing the procedure for distribution of said tax, and amending section six thousand three hundred thirteen (6313), Code 1931, relating to the Firemen's Pension Fund.

Read first and second times and referred to committee on insurance.

Senate File No. 166, by Senator Wenner, a bill for an act to repeal section twelve thousand eight hundred ninety-six (12896) Code 1931, relating to accessories after the fact to the commission of public offenses, to define such offense, to fix the punishment for

the commission of said offense, and to declare the procedure governing prosecution for such offense.

• Read first and second times and referred to committee on judiciary No. 1.

Senate File No. 167, by Senators Harrington and Wilson, a bill for an act to amend section fifty-two hundred twenty-eight (5228), code, 1931, relative to statutory salaries and compensation of certain county officers.

Read first and second times and referred to committee on reduction of public expenditures.

Senate File No. 168, by Senator Topping, a bill for an act to amend the law having reference to the preferring of domestic materials, products and supplies as it appears in Sections eleven hundred seventy-one b-one (1171-b1), and eleven hundred seventy-one b-two (1171-b2), Code, 1931, and requiring a preference for products and provisions grown in Iowa.

Read first and second times and referred to committee on manufacturing, commerce and trade.

Senate File No. 169, by Senator Schmidt, a bill for an act to prohibit "marathon dances", "walkathons", "skatathons", or any endurance contest in the State of Iowa, and providing penalties for any person, firm or corporation participating in, aiding or promoting such contests.

Read first and second times and referred to committee on educational institutions.

Senate File No. 170, by Senator Schmidt, a bill for an act to amend the law as it appears in Section four thousand eight (4008), Code, 1931, relating to the examination of indigent persons who are candidates for admission into the hospital of the State University, and the fixing of the qualifications of such examiner.

Read first and second times and referred to committee on public health.

Senate File No. 171, by Senator Schmidt, a bill for an act to repeal Chapter One Hundred Forty-nine (149), Acts of the Forty-Third General Assembly of Iowa, relating to contracts for the

support of the poor, and to authorize the board of supervisors to contract for professional services for poor persons.

Read first and second times and referred to committee on county and township affairs.

Senate File No. 172, by Senator Schmidt, a bill for an act to repeal the law as it now appears in Chapter one hundred eighteen (118), Code, 1931, and to enact a substitute therefor regulating the practice of Osteopathy and of Osteopathy and Surgery.

Read first and second times and referred to committee on public health.

Senate File No. 173, by Senator Schmidt, a bill for an act to repeal Chapter Two Hundred Fifty-two-A2 (252-A2), sections Five Thousand One Hundred and Five-A40 (5105-A40) to Five Thousand One Hundred and Five-A57 (5105-A57), inclusive, Code of Iowa, relating to the taxation of motor vehicle carriers and to substitute therefor an act to assess upon and receive from motor carriers specified within the act a road route mile tax; and providing authority for the board of railroad commissioners to collect the tax, adjudge delinquents, declare penalty in force, account for funds collected, make necessary expenditures, remit funds, allocate share to counties, and, also to further provide for expenditures of such road route mile taxes by and within respective counties.

Read first and second times and referred to committee on motor vehicles.

Senate File No. 174, by Senator Schmidt, a bill for an act to create a system of highways with rock shoulders, four (4) feet wide in the State of Iowa.

Read first and second times and referred to committee on highways.

Senate File No. 175, by Senators Calhoun and Schmidt, a bill for an act creating a motorized State Highway Patrol for Iowa; providing for the appointment and service of State Highway Patrol Commissioners; audit committee; commission secretary; executive officer; captains; lieutenants; sergeants; quartermaster sergeant; sergeant mechanic; patrolmen first class and patrolmen; defining their authority and powers, duties, uniform, equipment and rate of

compensation; specifying motor patrol equipment; designating State Highway Patrol headquarters, patrol sub-stations and providing for the acquisition of land and the erection of buildings thereon; providing for the selection of patrol districts, and a highway traffic survey; providing for tests, examinations, schools of instruction, training, rules, regulations and promotion routine for said State Highway Patrol officers, under-officers, and members; providing for employment and dismissal; transferring certain duties, work, power, and authority now vested in the Iowa Board of Railroad Commissioners to said State Highway Patrol; transferring certain duties, work, power and authority now vested in the Secretary of State, motor vehicle department, to said State Highway Patrol; transferring certain duties, work, power and authority now vested in the Treasurer of State for Iowa to said State Highway Patrol; providing that the State Highway Patrol shall have power and authority to collect monies due the State of Iowa; providing that the State Highway Patrol shall have power and authority to license, supervise and regulate automobiles, trucks, truck tractors, trailers, semitrailers, motorcycles and any or all other vehicles and traffic on the highways of the State; providing for the supervision, license and regulation of roadside tourist camps, cabins, or campgrounds contiguous to roads of the Primary and Secondary road systems of Iowa; providing for the acquisition of property, equipment, supplies, materials, furnishings and furniture including equipment for radio communication; providing for the financing, maintenance and sustenance of said State Highway Patrol; providing for initial expenditures from available fund; and repealing such acts and parts of acts which may be in conflict with the purposes of this act.

Read first and second times and referred to committee on highways.

Senate File No. 176, by Senator Schmidt, a bill for an act to create a system of four (4) lane thirty-six (36) foot wide highways in the State of Iowa.

Read first and second times and referred to committee on highways.

Senate File No. 177, by committee on claims, a bill for an act to make an appropriation to Violet Bencke, Nellie Powers and Opal McGarvey.

Read first and second times and referred to committee on appropriations.

Senate File No. 178, by Senator Coykendall, a bill for an act to authorize and direct the Governor of the State of Iowa to execute and deliver to Lloyd Martin and Edith M. Martin, his wife a patent to the following described Real Estate, to-wit: The North-West one-quarter (NW $\frac{1}{4}$) of the SouthEast one-quarter (SE $\frac{1}{4}$) of Section eight (8), Township sixty-eight (68), Range forty-two (42), West of the fifth P.M., situated in Fremont County, Iowa.

Read first and second times and referred to committee on judiciary No. 2.

Senate File No. 179, by Senator Valentine, a bill for an act to repeal Chapter five hundred sixty-four (564) of the 1931 Code of Iowa and enact a substitute therefor to provide for the licensing of retail dealers and other persons for the sale or transfer of pistols; to provide for registering all sales or transfers of pistols; to prohibit the possession or use of pistols by certain classes of persons; to prohibit the carrying of concealed pistols except by lawfully authorized persons; to prohibit the carrying, selling, or giving away of other dangerous weapons; to prescribe penalties for the violations of this act; to make uniform the law pertaining to acquiring, possessing, transferring, and carrying of pistols.

Read first and second times and referred to committee on judiciary No. 1.

Senate File No. 180, by Senator Valentine, a bill for an act concerning declaratory judgments and decrees and to make uniform the law relating thereto.

Read first and second times and referred to committee on judiciary No. 1.

Senate File No. 181, by committee on judiciary No. 2, a bill for an act to amend chapter ninety-nine (99), section one (1), acts of the forty-fifth general assembly, relating to settlement of poor persons.

Read first and second times and placed on calendar.

Senate File No. 182, by committee on judiciary No. 2, a bill for an act to amend Section seven (7), chapter four (4), acts of the

forty-fifth general assembly, relating to the office of state comptroller.

Read first and second times and placed on calendar.

Senate File No. 183, by committee on judiciary No. 2, a bill for an act to amend chapter one hundred three (103), acts of the forty-fifth general assembly, relating to the adoption of a plan of payment with "stamp-notes" by counties.

Read first and second times and placed on the calendar.

Senate File No. 184, by committee on judiciary No. 2, a bill for an act to amend chapter seven (7), section six (6), acts of the forty-fifth general assembly, relating to reports on the auditing of financial records of counties, schools, cities and towns.

Read first and second times and placed on the calendar.

Senate File No. 185, by Senator Stevens of Wapello, a bill for an act to authorize and provide for assessments on mercantile businesses established in a county after January first (1st) and prior to July first (1st) of any year, to declare the effect thereof, and to provide the procedure for the making of such assessments and for the collection of the taxes levied thereon.

Read first and second times and referred to committee on ways and means.

By unanimous consent on request of Senator Byers, his motion to resolve the Senate into a committee of the whole was withheld.

By unanimous consent, on request of Senator Wilson his point of order on the Byers motion was withdrawn.

SENATE FILE 53 ON CALENDAR

Senator McArthur, under rule 35, withdrew Senate File 53 from the committee on agriculture and placed it on the calendar.

On motion of Senator Stanley, the Senate recessed until the fall of the gavel.

The Senate reconvened at the fall of the gavel.

By unanimous consent, on request of Senator Knudson, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 186, by Senators Knudson and Harrington, a bill for an act to amend, revise and codify chapter two hundred fifty-one A one (251-A1) Code, 1931, and chapters seventy-five (75) and eighty-six (86) of the Acts of the Forty-fifth (45th) General Assembly relating to the collection of license fees on all motor vehicle fuel used or otherwise disposed of in the state of Iowa; to define motor vehicle fuel; to impose a license fee of three cents per gallon or fraction of a gallon on all motor vehicle fuel sold or used in the state of Iowa; to make provision for payment and collection of said license fee; to provide for the licensing of distributors of motor vehicle fuel, service station operators selling motor vehicle fuel, and conveyances used to transport motor vehicle fuel, in this state; to provide for the revocation of such license; to prescribe the records to be kept and reports to be made and duties to be performed by all persons so licensed; to require all carriers or other persons delivering motor vehicle fuel to persons in this state from outside the state to report to the Treasurer of State all such deliveries; to provide for refunding under certain conditions of all motor vehicle fuel license fees paid on such fuel not used in connection with the operation of motor vehicles upon the public highway and to provide for the licensing of applicants for said refunds; to prescribe the purposes and objects for which said motor vehicle fuel license fees shall be used; and to provide penalties for the violation of the provisions of this act.

Read first and second times and referred to committee on motor vehicles.

Senate File No. 187, by Senator Moore, a bill for an act to amend Sections ten thousand five hundred two (10502) ten thousand five hundred four (10504), ten thousand five hundred fifteen (10515), and ten thousand six hundred fifty-eight (10658), Code, 1931; to define more accurately the territorial jurisdiction of justices of the peace.

Read first and second times and referred to committee on judiciary No. 2.

Senate File No. 188, by Senator Tripp, a bill for an act to amend the law as the same appears in Chapters seventy (70), seventy-one (71) and seventy-two (72) of the Code, 1931, relating to workmen's compensation, and to provide insurance for the payments to injured workmen.

Read first and second times and referred to committee on judiciary No. 2.

Senate File No. 189, by Senator Reese, a bill for an act to amend Section five (5) of Chapter One Hundred Twenty-three (123) enacted by the 45th General Assembly relating to levies to be made by any city or town for the operation and maintenance of its police department, and to increase said levies.

Read first and second times and referred to committee on reduction of public expenditures.

Senate File No. 190, by Senator Reese, a bill for an act to provide for the payment of an occupation or privilege tax upon the business of operating coal mines, fixing penalties for the failure to make reports and nonpayment of such tax and providing for the expenditure of the money collected.

Read first and second times and referred to committee on ways and means.

Senate File No. 191, by Senator Anderson, a bill for an act to meet an emergency, authorizing the County Auditor of Webster County to issue warrants to officers for salaries and expenses of their offices and to authorize such payments beyond the limits of the respective budgets and limiting the scope of Sections 5258 and 5259 of the Code of Iowa, 1931, as amended, and Chapter 264-c1 of the Code of Iowa, 1931, as amended, and providing for termination of this act.

Read first and second times and referred to committee on reduction of public expenditures.

Senate File No. 192, by Senator Wilson, a bill for an act to authorize cities having a population of 100,000 inhabitants or over, including cities acting under the commission plan of government, to own, construct, erect, establish, acquire, lease, purchase, maintain and operate a street railway system within their corporate limits and extensions thereto with all the necessary appurtenances, and to proceed by condemnation or purchase to acquire such street railway systems; to bond the same for the purpose of paying therefor; to levy a tax to retire said bonds; to incur indebtedness therefor; to anticipate such special tax, and to call an election for the purpose of voting on the proposition of acquiring such street rail-

way system; and to appoint a Board of Trustees to manage such street railway system.

Read first and second times and referred to committee on cities and towns.

Senate File No. 193, by Senator McArthur, a bill for an act providing for the changing of the boundary lines of school districts in certain cases.

Read first and second times and referred to committee on public schools.

Senate File No. 194, by Senator Geske, a bill for an act to provide for increasing annual fees to be paid to the auditor of state by building and loan associations; to provide for appointment by the auditor of state of a chief examiner of building and loan associations; to fix the maximum salary of such chief examiner, to make appropriation for the same; to repeal sections ninety-three hundred twenty-three (9323), to ninety-three hundred twenty-seven (9327), both inclusive, ninety-three hundred thirty-two (9332), ninety-three hundred thirty-five (9335), ninety-three hundred thirty-seven (9337), ninety-three hundred thirty-eight (9338), ninety-three hundred forty-five (9345), ninety-three hundred fifty-nine (9359) and ninety-three hundred eighty-one (9381), code, 1931, together with all amendments thereto, and to amend section ninety-three hundred and eighty (9380), code, 1931.

Read first and second times and referred to committee on banks and banking.

Senate File No. 195, by Senator Patterson, a bill for an act to repeal section seventy-three hundred twelve-d one (7312-d1) of the Code, 1931, and to enact a substitute therefor, and to amend section seventy-three hundred thirteen (7313) of the Code, 1931, relating to exemptions from inheritance tax.

Read first and second times and referred to committee on ways and means.

Senate File No. 196, by Senator Bennett, a bill for an act to amend section eight thousand five hundred seventeen (8517), Code of Iowa, 1931, relating to persons, firms, companies, associations partnerships or corporations issuing securities on the partial payment or installment plan.

Read first and second times and referred to committee on banks and banking.

Senate File No. 197, by Senators Hicklin and Wilson, a bill for an act to provide for a registration fee on mortgages on real property and to provide a method for the collection thereof.

Read first and second times and referred to committee on ways and means.

Senate File No. 198, by Senator Elthon, a bill for an act prohibiting suits upon promissory notes secured by real estate mortgages, until the mortgage has been foreclosed and security exhausted by sale.

Read first and second times and referred to committee on emergency legislation.

Senate File No. 199, by Senators Harrington and Valentine, a bill for an act providing that proof that certain acts done in compliance with the provisions of any code, agreement, license, rule or regulation under the National Industrial Recovery Act or in compliance with the policy of administration of such act or the National Recovery Administration shall be a defense in civil or criminal proceedings for violation of the laws of this state with respect to competition, monopolies, combinations or practices in restraint of trade or other laws relating to trade or commerce.

Read first and second times and referred to committee on emergency legislation.

Senate File No. 200, by Senator Harrington, by request, a bill for an act to amend section sixty-one hundred forty-three (6143) of the code, 1931, providing for regulation of the bills of gas, heat, water, light or power, and providing a penalty for the violation thereof.

Read first and second times and referred to committee on public utilities.

Senate File 201, by Senator Irwin, a bill for an act to amend section seven thousand three hundred and ninety-six (7396) of the Code of Iowa of 1931 relating to the refund of inheritance tax.

Read first and second times and referred to committee on ways and means.

Senate File No. 202, by Senator Irwin, a bill for an act to legalize all depositors agreements heretofore entered into by any county, town, city, township or school district, by its governing body or any designated officer or agent for that purpose, or by the State of Iowa, through its Executive Council, or any officer or agent for that purpose covering deposits of public moneys in any state bank, savings bank, trust company, private bank or national bank in Iowa, or any bank or trust company assuming all or any part of the deposit liability of a depository bank or trust company, and providing for participation in the State Sinking Fund for public deposits.

Read first and second times and referred to committee on banks and banking.

Senate File No. 203, by Senator Hicklin, a bill for an act to amend Section twenty-eight hundred eighty-six (2886), Code, 1931, relating to the powers and duties of the Iowa state fair board.

Read first and second times and referred to committee on departmental affairs.

Senate File No. 204, by Senator McArthur, a bill for an act to amend section ten thousand six hundred thirty-nine (10639), Code, 1931, relating to compensation of police judges.

Read first and second times and referred to committee on judiciary No. 2.

Senate File No. 205, by Senator Hicklin, a bill for an act authorizing cities and towns, including cities under special charter, to combine under Sections Sixty one hundred thirty-four -d one (6134-d1) to Sixty one hundred thirty-four - d seven (6134-d7) of the Code of Iowa, 1931, for the purchase, improvement, or extension of water and gas works or electric plants out of past or future earnings.

Read first and second times and referred to committee on public utilities.

Senate File No. 206, by Senator Geske, a bill for an act to authorize conversion of building and loan associations and savings and loan associations into federal savings and loan associations organized under the Act of Congress known as "Home Owners' Loan Act of 1933"; to provide for complete or partial transfer of

assets to such federal savings and loan associations and to provide the procedure for such conversion and transfer.

Read first and second times and referred to committee on banks and banking.

Senate File No. 207, by Senator McArthur, by request, a bill for an act to amend chapter thirty-seven (37), Acts of the forty-fifth General Assembly, by amending sections seven (7), eleven (11), twelve (12), fourteen (14) and fifteen (15) and by repealing section twenty-five (25), all relating to the issuance of permits for the sale of beer and other malt liquors.

Read first and second times and referred to committee on liquor control.

Senate File No. 208, by Senator Irwin, a bill for an act to repeal section seven thousand one hundred and ninety-three-b one (7193-b1) of the Code of 1931, and to enact a substitute therefor relating to the compromising of taxes on personal property.

Read first and second times and referred to committee on ways and means.

Senate File No. 209, by Senators Harrington, Hicklin, Tripp, Topping, Meyer, Moore, Miller of Jones, Reese, Mullaney, Fisch and Schmidt, a bill for an act relating to public revenue and providing for the equalization of taxation; prescribing a system for the taxation of the privilege of doing business within this state and of property used within this state measured by the gross income received therefrom; imposing a tax upon gross income; defining gross income, and other terms used herein; prescribing the method and manner of reporting such gross income, and for the assessing, levying, collecting and disbursing of such tax; abating ad valorem taxes; providing for the administration of said law; fixing fines and penalties for the violation thereof, and to repeal chapters three hundred thirty-one (331) to three hundred fifty (350) both inclusive, three hundred forty-d1 (340-d1), three hundred forty one-a1 (341-a1) and section seventy-three hundred ninety-eight (7398), code, 1931, and amendments thereto, as of December 31, 1934, and all acts or parts of acts, in conflict with this act.

Read first and second times and referred to committee on tax revision and reorganization.

Senate File No. 210, by Senators Stevens of Wapello, Beatty, Bennett, Chrystal, Coykendall, Harrington, Hicklin, Hopkins, Husted, Miller of Jones, Nelson, Reese, Ritchie, Shangle, Stanley, Stevens of Decatur and Topping, a bill for an act relating to the taxation of real and personal property, and limiting the aggregate annual rate of levy thereon for state, county, municipal, school district and other purposes.

Read first and second times and referred to committee on tax revision and reorganization.

Senate File No. 211, by Senator Chrystal, a bill for an act to amend section fifty-seven (57), chapter eighty-nine (89), acts of the forty-fifth general assembly, relating to salaries and compensation of state, county, and city officers.

Read first and second times and referred to committee on reduction of public expenditures.

Senate File No. 212, by Senator Irwin, a bill for an act to amend Sections seventy-four hundred twenty-a9 (7420-a9), seventy-four hundred twenty-b1 (7420-b1) and seventy-four hundred twenty-a18 (7420-a18), Code, 1931, relating to proof, certification, amount and manner of filing claims against the State Sinking Fund where a bank or trust company has reorganized and issued trust certificates; and also payment, interest, presentation of objections regarding such claims and distribution by trustees; and providing rules for construction.

Read first and second times and referred to committee on banks and banking.

Senate File No. 213, by Senator Anderson, a bill for an act defining and regulating the practice of photography; providing for the licensing and registration of persons to carry on the same; creating a Board of Photographic Examiners, for the promulgation and enforcement of rules for the conduct thereof.

Read first and second times and referred to committee on tax revision and reorganization.

Senate File No. 214, by Senator Schmidt, a bill for an act to amend Sections seven (7), fifteen (15), twenty-four (24), twenty-five (25), twenty-seven (27), and twenty-nine (29) of chapter thirty-seven (37) of the Laws of the Forty-fifth General Assembly

and to further amend the same by adding thereto sections seventeen-a (17-a), seventeen-b (17-b) and seventeen-c (17-c), and to amend section three (3) of chapter thirty-eight (38) of the Laws of the Forty-fifth General Assembly, relating to the sale of non-intoxicating liquors.

Read first and second times and referred to committee on liquor control.

Senate File No. 215, by Senators Wilson and Hicklin, a bill for an act to provide for the issuing of a permit to pipe line companies engaged in the business of owning, operating or controlling lines for the transportation or transmission of gas, gasoline, oils, or motor fuels and/or inflammable fluids within or through this state; providing an annual inspection fee therefor; providing for the regulation of the construction, location and inspection of pipe lines; providing for the right of eminent domain and regulating the use of such right; providing that the board of railroad commissioners shall have supervision over pipe lines, and providing for the fixing of property security and responsibility by pipe line companies for the protection of persons sustaining damage by them; fixing jurisdiction in the district court of the county where any controversy arises involving said pipe line, and providing a method of service of notice of suit against pipe line companies; and providing for injunction and penalty for violation of same; and repealing chapter three hundred eighty-three-D one (383-D1), code, 1931.

Read first and second times and referred to committee on public utilities.

SENATE FILES 136 TO 139 REFERRED

The president announced that the following Senate bills, which were introduced on December 1st, are referred as follows:

Senate File 136, departmental affairs.

Senate File 137, judiciary No. 1.

Senate File 138, county and township affairs.

Senate File 139, emergency legislation.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the

House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 59, a bill for an act to make permanent the temporary transfer of money from the secondary road maintenance fund to the poor fund of Cass County, Iowa.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 45, a bill for an act relating to liability insurance for motor vehicle employees.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 77, a bill for an act relating to and regulating the advancement of funds to Mutual Insurance Companies.

Also: That the House has adopted the following Concurrent Resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution No. 8 providing for appointment of an investigating Committee to investigate the Insurance Department of the State of Iowa.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE CONCURRENT RESOLUTION NO. 8

Providing for appointment of an Investigating Committee whose duty it shall be fully to investigate the Insurance Department of the State of Iowa and providing that said Committee shall report its findings and recommendations thereon to the General Assembly and to pay the expense of said Committee.

Whereas, During the past year charges have been openly made and widely printed in the press that gross irregularities and incompetent, reckless, improvident and dishonest management exists on the part of the officers and directors of certain life insurance companies; and

Whereas, It has been openly charged in the press and otherwise that large sums of money have been wrongfully paid to certain officers and directors of at least one fraternal life insurance company; and

Whereas, In particular, charges have been openly made that in the merger of December, 1931, of the Modern Brotherhood of America, a fraternal life insurance company, whose headquarters are at Mason City, Iowa, with the Independent Order of Foresters, a fraternal insurance company of Toronto, Canada, there was a secret agreement whereby a fund approximating \$300,000.00 or more in cash was distributed to certain individuals, including officers and directors of the Modern Brotherhood of America, several of whom reside in the State of Iowa; and

Whereas, With respect to said merger, it is further charged that said secret agreement provided, in addition to the payment of said \$300,000.00 or more, for a further wrongful and unlawful payment to the same individuals, officers and directors of more than \$750,000.00, to be spread over a period of approximately three years; and

Whereas, It is charged that the President of the respective companies involved in said merger made and filed affidavits that there was no com-

mission or payments to be paid in said transaction other than future salaries as set forth in the merger agreement on file in the office of the Superintendent of Insurance of the State of Iowa; and

Whereas, It is charged that the individuals, officers and directors of said Modern Brotherhood of America, still in full possession of the \$300,000.00 fund, are still collecting large salaries, for which no substantial service is being rendered; and

Whereas, The chief executive officer of the Independent Order of Foresters and his associates who it is charged were parties to and who perpetrated said alleged fraud on the policyholders of both companies, are still in charge of said company and directing its affairs and thereby controlling the welfare of thousands of Iowa policyholders; and

Whereas, By reason of said merger, the assets of the Modern Brotherhood of America, which are largely in the State of Iowa, are in the possession and control of the group of men involved in the charge of fraud on the policyholders and the Insurance Department of the State of Iowa; and

Whereas, It is a supreme duty of the General Assembly of this state to insure to the hundreds of thousands of life insurance policyholders of the state, whose interest therein runs into hundreds of millions of dollars, that their life savings are being safely and honestly protected and administered; and

Whereas, It is evident that the policyholders of the Modern Brotherhood of America and of the Independent Order of Foresters, many thousands of whom reside in the State of Iowa, may suffer a loss on account of said merger approximating \$1,000,000.00, all of which was unauthorized; and

Whereas, It is in the public interest that there be a full and complete investigation of all the facts in connection with said above-mentioned merger and in connection with the conduct of the Insurance Department of the State of Iowa, which investigation is intended to disclose the method by which said merger was consummated, and in particular will trace the distribution of any unlawful payments and the manner thereof, if any such were made, and any unlawful or improper acts performed by the Insurance Department of the State of Iowa or any person connected therewith, to the end that the General Assembly may be in position to ascertain the defects in the existing laws with respect to mergers and to enable the Legislature to enact the remedial legislation, and to do all things that will be in the interest of the policyholders involved in the merger referred to, or in the interests of the policyholders of any insurance company operating in the State of Iowa and under the jurisdiction of the Insurance Department of the State of Iowa. Therefore,

Be It Resolved by the House of Representatives, the Senate concurring:

(1) That a joint committee of the members of this special session of the General Assembly, consisting of three members of the House and three members of the Senate, be appointed by the Speaker of the House and the President of the Senate, respectively, which six members so named shall constitute an investigation committee for the purpose of carrying out the purpose and terms of this resolution; that such committee pro-

ceed immediately to investigate the Insurance Department of the State of Iowa and any other sources that they may find necessary, with particular regard to a disclosure and development of all facts in connection with or in any manner related to the merger of the Modern Brotherhood of America with the Independent Order of Foresters of Toronto, Canada, and any and all other complaints reflecting upon the said Department and any of the officials thereof, and any further and other independent investigation as said committee shall deem in the public interest; that such committee shall, if possible, discover any weaknesses or omissions in the existing statutes of the State of Iowa with regard to the conduct of insurance companies and in particular the merger of such companies so that the Legislature may be better informed and prepared to enact remedial legislation relating to such mergers and other insurance matters; that such committee make written report of its findings and recommendations thereon to the Governor and to this special session of the General Assembly, if possible.

(2) That said joint committee be and hereby is authorized to call upon the Attorney General for such assistance as he is authorized and may be able to give, and said committee is hereby authorized to employ such attorneys, accountants and investigators as it may deem necessary, to the end that there may be a full, complete, thorough and intelligent investigation of all matters above referred to in this resolution, and to secure all facts in connection with all of the matters above referred to, and of all persons connected therewith or connected with the Insurance Department of the State of Iowa, and their acts and conduct in connection with and relating to the matters above referred to, or in connection with the conduct of the Insurance Department of the State of Iowa.

(3) That the Superintendent of Insurance of the State of Iowa and all other officers and employees in said Department shall, upon request of the committee, furnish for its use any and all books, papers, records, and memoranda in said office in the possession of anyone therein, and make full explanation thereof, and shall furnish any and all information which they may have in their possession in relation thereto.

(4) Said committee is hereby directed and authorized to make a full, fair, complete and impartial investigation and examination of said Department of Insurance and its officers and employees, and to aid in so doing, said Committee is hereby authorized and empowered to summon and subpoena witnesses from any place within or without the State of Iowa and to compel the attendance of witnesses within the State of Iowa to any place within the State of Iowa where said committee may hold hearings; that it may if necessary designate its agent to make service of such process; that it may hold meetings to take the testimony of witnesses, if necessary, outside the State of Iowa. Said committee shall have and is hereby given full power to summon and examine witnesses, administer oaths, compel the production of books and papers and evidence, and to punish for contempt as provided by law. All testimony taken shall be under oath, and for that purpose the chairman of said committee or any member thereof is hereby invested with the power to administer oaths to all witnesses who may be called before it; that any person refusing to

answer to a subpoena or refusing to answer questions of the committee may be punished for contempt in the manner provided by the laws of Iowa.

(5) That said committee is directed to expedite its work with the least possible delay, and promptly thereafter to submit a written report to the Governor and to the General Assembly before its adjournment, if possible, and in time to permit action thereon if it is deemed wise and in the public interest.

(6) There is hereby appropriated out of any funds in the State treasury, not otherwise appropriated, such sum or sums as may be necessary to pay the expenses of the committee or incurred by it in the performance of its duties as provided in this joint resolution, and for preparing the report or reports required as herein provided.

HOUSE MESSAGES CONSIDERED

House File 45, a bill for an act requiring liability insurance for certain employees operating state owned motor vehicles, and providing that the fact that the title to such motor vehicle is in the state of Iowa and such officer or employee is in discharge of his duties, shall be no defense to claim for damages based on negligence of such officers or employees in operating such motor vehicle.

Read first and second times and referred to committee on departmental affairs.

House File 77, a bill for an emergency act to amend the law as it appears in Section eighty-nine hundred twelve (8912), Code, 1931, relating to and regulating the advancement of funds to Mutual Insurance Companies other than life, so as to authorize such insurance companies to establish a guaranty fund, and to provide for the establishment, regulation and administration of such fund.

Read first and second times and referred to committee on insurance.

REPORTS OF COMMITTEES

Senator Knudson submitted the following report:

MR. PRESIDENT: Your committee on insurance to which was referred Senate File 56, a bill for an act to amend law in Sec. 8912, Code of Iowa, 1931, relating to and regulating advancement of funds to Mutual Insurance Companies other than life, begs leave to report it has had the same under consideration and recommends the same do pass.

IRVING H. KNUDSON, *Chairman.*

Ordered passed on file.

Senator Pendray submitted the following reports:

MR. PRESIDENT: Your committee on public schools to which was referred Senate File No. 91, a bill for an act to repeal section forty-two hundred thirty-one (4231), code 1931, relating to the closing of schools because of the lack of attendance and to enact a substitute therefor, begs leave to report it has had the same under consideration and recommends the same do pass.

CAROLYN C. PENDRAY, *Chairman.*

Ordered passed on file.

Also:

Your committee on public schools to which was referred Senate File No. 90, a bill for an act to amend and clarify Section 4179, Code 1931, relating to the transportation of pupils attending school in consolidated school districts, begs leave to report it has had the same under consideration and recommends the same do pass.

CAROLYN C. PENDRAY, *Chairman.*

Ordered passed on file.

Senator Frailey submitted the following reports:

MR. PRESIDENT: Your committee on judiciary No. 1 to which was referred Senate File 41, a bill for an act to amend section ten thousand one hundred thirty-eight (10138), Code of Iowa, 1931, relating to the selection and platting of a homestead, begs leave to report it has had the same under consideration and recommends the same do pass.

J. R. FRAILEY, *Chairman.*

Ordered passed on file.

Also:

Your committee on judiciary No. 1 to which was referred Senate File 54, a bill for an act to amend Chapter Thirty Seven (37) of the Laws of the Forty-Fifth General Assembly, relating to non-intoxicating liquors, beer, and other malt liquors, begs leave to report it has had the same under consideration and recommends the same do pass.

J. R. FRAILEY, *Chairman.*

Ordered passed on file.

Also:

Your committee on judiciary No. 1 to which was referred House File 49, a bill for an act to legalize the corporate acts and proceedings of Marshalltown Manufacturing Company of Marshalltown, Iowa, and to provide for the renewal and extension of the period of corporate existence and the adoption of renewal, amended and substituted articles of incorporation of said Marshalltown Manufacturing Company, begs leave to report it has had the same under consideration and recommends the same do pass.

J. R. FRAILEY, *Chairman.*

Ordered passed on file.

Senator Wilson submitted the following report:

MR. PRESIDENT: Your committee on cities and towns to which was referred Senate File 83, a bill for an act to repeal Section Seven (7) of Chapter One Hundred Twenty-three (123) enacted by the 45th General Assembly relating to levies to be made by any city or town for fire fund and fire department maintenance, and enacting a substitute therefor, permitting the council of any city or town to levy a millage rate sufficient to raise an amount up to, but not to exceed, amounts raised by the 1930 levy for said funds, begs leave to report it has had the same under consideration and returns the bill without recommendation.

GEO. A. WILSON, *Chairman.*

Ordered passed on file.

Senator Hicklin submitted the following reports:

MR. PRESIDENT: Your committee on judiciary No. 2 to which was referred House File 17, a bill for an act to repeal section seventy-two hundred three (7203), Code, 1931, and to enact a substitute therefor, relating to the lien of poll taxes and of taxes on personal property, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

Strike out all of section one (1) after the third line thereof and insert in lieu thereof the following:

"7203. Lien of Personal Taxes. All poll taxes and taxes due from any person upon personal property now entered or hereafter entered on the delinquent personal tax list as provided by law, shall, for a period of ten years after December thirty-first following the levy, be a lien upon any and all real estate owned by such person or to which he may acquire title, and situated in the county in which the tax is levied. At the expiration of said period said lien shall cease."

E. R. HICKLIN, *Chairman.*

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred House File 21, a bill for an act to amend section seventy-one hundred sixty-four (7164), Code, 1931, by repealing lines twenty (20) to thirty-two (32) inclusive, of said section, relating to the computation of tax rates, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

Strike out section one (1) thereof and insert in lieu thereof as section one (1) the following:

"Section seventy-one hundred sixty-four (7164), Code of 1931, is amended by striking therefrom all after the first eight (8) lines thereof and inserting in lieu thereof the following: 'Provided that the County Auditor shall, in computing the tax for any taxing district, deduct from the total budget requirements certified by any such district an amount equal to the amount to be levied in said year upon the moneys and credits

and other monied capital taxed at a flat rate as provided in section sixty-nine hundred eighty-five (6985) and shall then apply such rate to the adjusted taxable value of the property in the district necessary to raise the amount required after deductions herein provided for have been made."

Also amend the title by striking therefrom the following words: "by repealing lines twenty (20) to thirty-two (32) inclusive, of said section,".

E. R. HICKLIN, *Chairman.*

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred Senate File 40, a bill for an act to amend Section eleven thousand seven hundred sixty (11760) Code of Iowa, 1931, providing for the addition of radio receiving set and automobile or truck to general exemptions, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

1. Strike section two (2) of said bill.

2. Add after the word "set" in the fifth line of Section one (1) the following words: "kept and used in the home and not used for business or commercial purposes".

E. R. HICKLIN, *Chairman.*

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred House File 24, a bill for an act to repeal sections thirty-seven hundred fourteen (3714), and thirty-seven hundred fifteen (3715), Code, 1931, and to enact a substitute therefor, and so to amend sections thirty-seven hundred two (3702), thirty-seven hundred seventeen (3717), and thirty-seven hundred nineteen (3719), of said code as to coordinate said sections with chapter four hundred seventy-three (473) of said code, relating to the adoption of children, begs leave to report it has had the same under consideration and recommends the same do pass.

E. R. HICKLIN, *Chairman.*

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred Senate File 43, a bill for an act to repeal paragraphs three (3), four (4), five (5) and six (6), of Section thirteen hundred ninety-seven (1397), Code, 1931, and to enact substitutes therefor relating to computation of workmen's compensation and prescribing methods for computing the average weekly earnings and annual earning capacity in such computation, begs leave to report it has had the same under consideration and returns the bill without recommendation.

E. R. HICKLIN, *Chairman.*

Ordered passed on file.

SENATE CONCURRENT RESOLUTION NO. 2

Be It Resolved by the Senate, the House Concurring:

The Governor of Iowa is hereby empowered to appoint a committee of three members of the Senate and three members of the House, with the Governor as a member ex-officio, to make due research and survey preliminary to reporting, at the next general assembly, the advisability and cost of a state office building which shall be erected on the Capitol Extension Grounds for the purpose of housing all state departments, bureaus, commissions and general offices.

PAUL W. SCHMIDT.

The journal of December 1st was corrected and approved.

AMENDMENTS FILED

Amend Senate File No. 101 by striking the word "and" in line three (3) of Section Four (4) and inserting in lieu thereof the following: "which blank".

HOMER HUSH.

Amend Senate File No. 101 by inserting after the word "days" in line seven (7) of Section Ten (10) the following: "such proprietor or person".

HOMER HUSH.

Amend Senate File No. 57 by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. In any case where a note or notes secured by a real estate mortgage or real estate contract have been assessed to their owner for any year, and the owner, during the course of that year acquires title to the real estate which was security for the note or notes, the Board of Supervisors may, on proper showing that the owner of the note or notes secured by real estate mortgage or contract has been or may be compelled to pay the taxes on both the real estate and the note or notes, abate or reduce the assessment on the note or notes and in case the tax has been paid order a refund of same."

HOMER HUSH.

Amend House File No. 105 as follows:

1. Change the period in line 6, Sec. 7, to a comma, and add the following words, "except owners of line grain elevators, lumber yards, coal and wood yards, which are specifically exempted from the chain provisions of this act, and pay only the license fee of One Dollar (\$1.00)."

2. Change the period in line 7, Sec. 8, to a comma, and add the following words, "save and except line grain elevators, lumber yards, coal yards, and wood yards which are specifically exempted from the chain provisions of this act."

W. H. KLEMME.

L. T. SHANGLE.

Amend Senate File No. 40 by adding the letter "s" following "radio receiving set" line 5, Section 1, further amend by striking from line 4, Section 2, the words "automobile or".

CHRIS REESE.

Amend Senate File 90 by striking all after the word "and" in line six (6) and inserting in lieu thereof the following:

“when it can be shown that the tuition so received reduces the average cost per pupil enough to more than compensate for the cost of transporting such tuition pupils,”

LEO ELTHON.

On motion of Senator Tripp the Senate adjourned, time having been previously set for 10:00 a. m. Tuesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 5, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. William Mack, pastor of the Presbyterian church, of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring proposed bill to increase restaurant license fees. Senator Reese from restaurant owners of Marshalltown. Cities and towns.

Favoring replacement taxes, limiting tax on real estate. Senator Shangle from citizens of Oskaloosa. Favoring removal of all real estate taxes. Senator Beardsley from tax payers of Osceola. Tax revision and reorganization.

Opposing proposed bill regulating purchase of livestock. Senator Booth from Roy H. Crum of Griswold and Fred Ruhs of Irwin. Senator Ritchie from citizens of Newell. Senator Hopkins from citizens of Dallas, Guthrie, Audubon, and Adair counties. Agriculture.

Favoring old age pension bill. Senator Harrington from citizens of Sioux City and Correctionville. Judiciary No. 2.

The Secretary reported having received a telegram from the National Cotton Seed Products Association of Memphis, Tennessee; also a letter from the Honorable J. E. McDonald, Commissioner of Agriculture for the state of Texas, opposing the passage of Senate File 100. Committee on Agriculture. Also a telegram from the Tri-City Labor Congress, with headquarters at Clinton, Iowa, favoring the passage of an old age pension law. Judiciary No. 2.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me, as Secretary of the Senate, a proof of publication from the Des Moines Register, Des Moines, Iowa, relating to Senate File 152, a bill for an act to legalize and validate proceedings taken by the City Council of the City of Des Moines, Iowa, authorizing and providing for the issuance of public improvement bonds and providing for the levy of taxes to pay said bonds.

BYRON G. ALLEN, *Secretary of the Senate.*

THIRD READING OF BILLS

The time having arrived for consideration of special order set for 10:00 a. m., on motion of Senator Booth Senate File No. 105, a bill for an act to amend section forty-seven hundred fifty-five-b thirty-two (4755-b32) of the Code, 1931, to remove the present limitations of the use of primary road funds for the payment of principal and interest of primary road bonds and bonds issued to refund primary road bonds, to provide a comprehensive plan for the financing of primary road bonds and bonds issued to refund primary road bonds, to provide a comprehensive plan for the financing of primary road bonds and bonds issued to refund primary road bonds, and to make more certain that primary road bonds and bonds issued to refund primary road bonds and the interest on such bonds will be paid out of the primary road fund, a highway committee bill, was taken up and considered.

The bill was read for information.

By unanimous consent, on request of Senator Booth, Mr. Fred White, chief highway engineer, was given permission to explain the bill and answer any questions.

Senator Frailey moved the previous question, which motion prevailed.

Senator Booth moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 39.

Baldwin	Fisch	Husted	Mullaney
Bennett	Frailey	Irwin	Nelson
Booth	Geske	Kimberly	Patterson
Byers	Harrington	Klemme	Pendray
Carden	Hicklin	Knudson	Reese
Chrystal	Hill	Leo	Roelofs
Coykendall	Hopkins	Meyer	Shangle
Doze	Hush	Moore	Stanley

Stevens of
Decatur

Stevens of
Wapello
Topping

Tripp
Valentine

Wenner
Wilson

Nays, 6.

Beardsley
Elthon

McArthur

Miller of
Buchanan

Miller of Jones
Ritchie

Absent or not voting, 5.

Anderson
Aschenbrenner

Beatty

Calhoun

Schmidt

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Booth moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

REPORT OF JOINT COMMITTEE ON EXTRA HELP

MR. PRESIDENT: Your committee on extra help begs leave to submit the following additional report and moves its adoption:

Janitor—Anthony Shilinsky.

Assistant Doorkeeper—Ray Walsh.

D. W. KIMBERLY.

WM. KOCH.

VINCENT F. HARRINGTON.

ED RAWLINGS.

W. R. RITCHIE.

J. P. GALLAGHER.

On the Part of the Senate.

On the Part of the House.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 102, a bill for an act to legalize all programs and projects for the construction of secondary roads in all counties of Iowa.

VIRGIL LEKIN, *Chief Clerk.*

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, House File 44.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The president of the senate announced that, as president of the senate, he had signed in the presence of the senate, House File 44.

The journal of December 4th was corrected and approved.

REPORTS OF COMMITTEES

Senator Wenner submitted the following report:

MR. PRESIDENT: Your committee on elections to which was referred Senate File 82, a bill for an act to provide for consolidating city and school elections in school districts which embrace a city and which have a population of not more than one hundred thousand (100,000), nor less than seventy thousand (70,000) by the last federal census; etc., begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

EDW. J. WENNER, *Chairman.*

Ordered passed on file.

Senator Irwin submitted the following report:

MR. PRESIDENT: Your committee on banks and banking to which was referred House File 69, a bill for an act to amend chapter 137 Section 1, Acts of the 45th General Assembly relating to the location of depository banks, begs leave to report it has had the same under consideration and recommends the same do pass.

H. L. IRWIN, *Chairman.*

Ordered passed on file.

Senator Ritchie submitted the following report:

MR. PRESIDENT: Your committee on agriculture to which was referred Senate File 55, a bill for an act to regulate packing plants, slaughtering houses and concentration points operating in this State, to put them under the supervision and control of the Secretary of Agriculture, to provide for the weighing, grading, feeding, watering and docking of such live-stock and for official weighers and graders thereof, to authorize the appointment of a licensed veterinarian to superintendent the operation of packing plants, slaughtering houses and concentration points, to prohibit the purchase or other acquisition of livestock for slaughter except as herein provided, and to provide penalties for violations thereof, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

W. R. RITCHIE, *Chairman.*

Ordered passed on file.

Also:

Your committee on agriculture, to which was rereferred Senate File 100, a bill for an act to regulate the sale of substitutes for lard as defined herein, by providing an inspection fee and excise tax and the manner

in which said fee and tax shall be paid, and providing the means and manner of the administration and enforcement thereof by the Secretary of Agriculture, begs leave to report that it has had the same under consideration and recommends the same be amended as follows; and when so amended, the bill do pass:

1. Amend section six (6) of the bill by striking from lines four (4) and five (5) the following: "said refund to be paid from the proceeds from the sale of stamps in the hands of the Secretary of Agriculture".

2. Further amend said bill by striking all of section eight (8) and inserting in lieu thereof the following:

"Sec. 8. The Secretary of Agriculture shall enforce the provisions of this act and shall on the first day of each month, transfer and pay to the treasurer of state for use and benefits of the general fund of the state the funds collected under the provisions of this act and in his hands, on said dates."

3. Also amend said bill by adding the following section:

"Sec. 9. There is hereby appropriated, until July 1, 1935, from any funds in the state treasury not otherwise appropriated, a sum sufficient to enforce the provisions of this act." W. R. RITCHIE, *Chairman*.

Ordered passed on file.

Also:

Your committee on agriculture to which was referred Senate File 69, a bill for an act to amend chapter four hundred twenty-seven (427), code, 1931, relating to the charges to be paid by the owner of grain at the time of the sealing of his warehouse, changing the fees of the sealer and the fees accruing to the secretary of agriculture, all under the unbonded agricultural warehouse act, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

Amend by striking the words "one-third" in line three (3) of section 1, and inserting in lieu thereof "one-half", and striking the remainder of the section.

Amend Senate File No. 69 by adding as Section 4 the following:

"Sec. 4. Any funds remaining in possession of the warehousing board after all expenses are paid at the end of the sealing period shall be pro-rated to the owners of the corn sealed on a pro-rata basis of the amount paid by said owner, provided however that where the amount paid by the owner was insufficient to meet the costs incurred in sealing, no refund shall be made to such owner.

Further amend by re-numbering section 4 as Sec. 5.

W. R. RITCHIE, *Chairman*.

Ordered passed on file.

Senator Nelson submitted the following report:

MR. PRESIDENT: Your committee on county and township affairs to which was referred Senate File No. 63, a bill for an act to amend sections four hundred eighty-four (484) and four hundred ninety-two (492) of

the code, 1931, relating to memorial buildings and monuments, petitions and qualifications and method of appointing commissioners, begs leave to report it has had the same under consideration and recommends the same do pass.

FRED W. NELSON, *Chairman*.

Ordered passed on file.

Also:

Your committee on county and township affairs to which was referred Senate File No. 21, a bill for an act to repeal all of Sections Fifty One Hundred Sixty Nine-a1 (5169-a1), Fifty One Hundred Sixty Nine-a2 (5169-a2), Fifty One Hundred Sixty Nine-a3 (5169-a3), Fifty One Hundred Sixty Nine-a4 (5169-a4), Fifty One Hundred Sixty Nine-a5 (5169-a5), Fifty One Hundred Sixty Nine-a6 (5169-a6), Fifty One Hundred Sixty Nine-a7 (5169-a7), Fifty One Hundred Sixty Nine-a8 (5169-a8), Fifty One Hundred Sixty Nine-a9 (5169-a9), and Fifty One Hundred Sixty Nine-a10 (5169-a10), of the 1931 Code of Iowa, together with any and all acts amendatory thereto, relating to losses of the County Treasurer, begs leave to report it has had the same under consideration and returns the bill without recommendation.

FRED W. NELSON, *Chairman*.

Ordered passed on file.

Also:

Your committee on county and township affairs to which was referred Senate File No. 38, a bill for an act to repeal Section one thousand sixty six-a1 (1066-a1) of the 1931 Code of Iowa, relating to bond of County Treasurer, and to enact a substitute therefor, begs leave to report it has had the same under consideration and recommends the same do pass.

FRED W. NELSON, *Chairman*.

Ordered passed on file.

Also:

Your committee on county and township affairs to which was rereferred Senate File No. 17, a bill for an act to amend sub-section ten (10), section fifty-one hundred ninety-one (5191), Code of Iowa, 1931, as amended by section six (6), chapter ninety (90) Acts of the forty-fifth general assembly, relating to mileage of sheriffs and their deputies, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

Amend Senate File No. 17 by striking all following the enacting clause, and inserting in lieu thereof the following:

"Section 1. Sub-section ten (10), section five thousand one hundred ninety-one (5191), code, 1931, as amended by section six (6), chapter ninety (90), Acts of the Forty-Fifth General Assembly is amended by striking the word, 'five' in line three (3) of said section six (6) and inserting in lieu thereof the following: 'seven and one-half'.

Section six (6), chapter ninety (90), is amended by striking the word,

'five' in line twelve (12) of said section and inserting in lieu thereof the words, 'seven and one-half'." FRED W. NELSON, *Chairman*.

Ordered passed on file.

Also:

Your committee on county and township affairs to which was referred Senate File No. 10, a bill for an act to amend section fifty one hundred twenty-six (5126) of the Code, 1931, relating to compensation of County Supervisors, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

Amend Senate File No. 10 by striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. Committee work is hereby defined to mean any business germane to the office of the Board of Supervisors that by action duly taken and recorded upon the minutes of the Board has been specifically referred to a part of the Board as a committee either with power to act or with instructions to report back to the full Board for its approval or disapproval. FRED W. NELSON, *Chairman*.

Ordered passed on file.

Senator McArthur submitted the following report:

MR. PRESIDENT: Your committee on labor to which was referred Senate File 39, a bill for an act to provide for the employment of citizens of the United States and residents of the State of Iowa in all state institutions supported by general tax, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

Amend Senate File 39 by striking out the word "employees" in line one (1) and by inserting in lieu thereof the following: "all persons hereafter employed". WM. MCARTHUR, *Chairman*.

Ordered passed on file.

Also:

Your committee on labor to which was referred Senate File 13, a bill for an act to provide the least number of men that may be employed on switch-engines, or engines engaged in switching cars, and the penalty for the violation thereof, begs leave to report it has had the same under consideration and recommends the same do pass.

WM. MCARTHUR, *Chairman*.

Ordered passed on file.

AMENDMENTS FILED

I move as a substitute for the amendment offered by the Committee to House File No. 21, the following:

Strike out section one (1) of House File No. 21, and insert in lieu thereof as section one (1) the following:

"Section 1. Section seventy-one hundred sixty-four (7164) Code of 1931, is amended by striking lines nine (9) to nineteen (19), inclusive, therefrom."
GEO. A. WILSON.

Amend Senate File No. 28, as amended, as follows:

Sec. 2. Any person, agency, bureau, corporation or association employed or maintained to obtain, or aid in obtaining, positions for others in the public schools, or positions in any other public institutions in the State of Iowa, or any individual or official connected with any public school or public institution who shall ask, indicate or transmit orally or in writing the religion or religious affiliations of any person seeking employment in the public schools or any other public institutions shall be guilty of a violation of Section 1 hereof; providing, however, that it shall not be a violation of Section 1 to inquire if any applicant seeking a position believes in the existence of a Supreme Being, and providing further, that this act shall not apply to applicants seeking positions of a religious nature.

Sec. 3. Any person, agency, bureau, corporation or association that violates provisions of Section 1 hereof, as defined in Section 2 hereof, shall be guilty of a misdemeanor and upon conviction be fined not less than \$25.00 nor more than \$100.00, or imprisoned not more than thirty days, or by both such fine and imprisonment.

Amend the title as follows:

A Bill for an act regarding violations of Section 4, Article 1 of the Constitution of Iowa; defining what constitutes such violations with respect to prohibiting inquiry concerning the religion or religious affiliations of persons seeking employment in public schools or other public institutions and providing a penalty for a violation thereof.

PAUL H. ANDERSON.

Amend Senate File No. 54 as follows:

Amend Section 1 by inserting in line 2 after the figure "(17)" the words "of chapter thirty-seven (37)".

J. R. FRAILEY.

Amend Senate File No. 40 by striking therefrom all of section three (3) thereof.

CLAUDE STANLEY.

Amend Senate File No. 74 by striking Sections One (1), Two (2) and Three (3) and inserting in lieu thereof the following:

"Section 1. Section eighteen hundred twenty-two a-one (1822 a-1) of the Code, 1931, is amended by striking the words "having a population of thirty-five hundred or over, situated in counties having a population of one hundred-fifty thousand or over", in lines two (2), three (3), four (4) and five (5) and inserting in lieu thereof the words "or towns". Also amend said section by inserting after the word "city" in line five (5) the words "or town".

Sec. 2. Section eighteen hundred twenty-two a-two (1822 a-2) of

the Code, 1931, is amended by inserting after the word "cities" in line two (2) a "comma (,)" and the words "or by such town or towns". Also amend said Section by inserting a "comma (,)" after the word "cities" in line six (6) thereof and the words "or by such town or towns".

Sec. 3. Section eighteen hundred twenty-two a-three (1822 a-3) of the Code, 1931, is amended by inserting after the word "cities" in line two (2) thereof a "comma (,)" and the words "or any town or towns".

Also amend the title to Senate File No. 74 by inserting after the word "cities" in line four (4) thereof the words "or towns".

HOMER HUSH.

Amend Senate File No. 73 by striking the words "Board and Commissions" in line two (2) of the title and inserting in lieu thereof the following: "Board of Conservation or Fish and Game Commission".

Also amend the amendment to Senate File No. 73 found on page two hundred two (202) of the journal by adding thereto the following sentence: "Such payment for mileage shall be made from the funds at the disposal of the State Board of Conservation or Fish and Game Commission as the case may be."

HOMER HUSH.

Amend Senate File No. 24:

1. By inserting immediately after the word "switchboards" in line four (4) of section one (1) the following words, to wit: "operating by virtue of a franchise granted by a city or town".

2. By inserting immediately after the word "exchanges" in line nineteen (19) the following words, to wit: "as herein defined".

J. E. DOZE.

On motion of Senator Patterson, the Senate adjourned until 10:00 a. m. Wednesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 6, 1933.

The Senate met in regular session, President pro tempore Harold L. Irwin, presiding.

Prayer was offered by Rev. H. D. Robinson, pastor of the Bethel community church of Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hicklin for the day, on account of illness in the family, on request of Senator Topping.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring Senate File 83. Senator Schmidt from members of the Iowa City fire department. Senator Hush from members of the Glenwood fire department. Cities and towns.

Favoring bill to increase hunting and fishing license fees. Senator Shangle from citizens of Mahaska county. Fish and game.

Favoring bill for suppression of walkathons. Senator Wenner from Parent-Teacher Council of Waterloo. Judiciary No. 1.

Opposing bill providing for optional or part time employment of county engineers. Senator Schmidt from Johnson County Rural Letter Carriers association. Highways.

Opposing amendment to Beatty-Bennett bill. Senator Booth from mayor of Atlantic. Reduction of public expenditures.

Opposing House File 159 and favoring amendment to House File 99. Senator Booth from mayor of Atlantic. Cities and towns.

Favoring gross income tax plan. Senator Leo from Board of Supervisors of Benton county. Favoring replacement taxes, limiting tax on real estate. Senator Hopkins from voters of Guthrie

county, Senator Elthon from voters of Worth county, and Senator Stevens of Decatur from voters of Union county. Tax revision and reorganization.

Favoring proposed bill to increase restaurant license fees. Senator Husted from restaurant owners of Greenfield. Senator Nelson from restaurant owners of Ogden and Boone. Senator Bennett from restaurant owners of Mapleton, Manning, Onawa, and Ute. Senator Doze from restaurant owners of Chariton, Lucas, Russell and Williamson. Senator Baldwin from restaurant owners of Dubuque. Cities and towns.

Opposing proposed bill to regulate the purchase of livestock. Senator Stanley from citizens of Prescott and Corning. Senator Hopkins from hog producers of Dallas, Guthrie, Audubon and Adair counties. Agriculture.

INTRODUCTION OF BILLS

Senate File No. 216, by committee on labor, a bill for an act to repeal Section fifteen fifty-one-c four (1551-c4), Code, 1931, relating to license fees for the operation of an employment agency, and to enact a substitute therefor.

Read first and second times and placed on the calendar.

Senate File No. 217, by committee on labor, a bill for an act to amend Section fifteen forty-six-a one (1546-a1), Code, 1931, by striking out certain provisions relating to the Limitation of fee for the furnishing or procurement of employment by an employment agency and enacting a substitute therefor.

Read first and second times and placed on the calendar.

Senate File No. 218, by committee on insurance, a bill for an act to amend section eighty-six hundred sixty-three (8663) Code, 1931, relating to the disposition of securities deposited with the insurance commissioner by insurance companies.

Read first and second times and placed on the calendar.

Senate File No. 219, by committee on county and township affairs, a bill for an act to amend chapter six hundred sixteen-D one (616-D1) Code, 1931, relating to the Police Radio Broadcasting System and to provide an appropriation therefor.

Read first and second times and referred to committee on appropriations.

Senator Ritchie asked unanimous consent to consider Senate File 69.

Objection was raised.

Senator Tripp withdrew his objection and consent was granted.

THIRD READING OF BILLS

On motion of Senator Ritchie Senate File No. 69, a bill for an act to amend chapter four hundred twenty-seven (427), code, 1931, relating to the charges to be paid by the owner of grain at the time of the sealing of his warehouse, changing the fees of the sealer and the fees accruing to the secretary of agriculture, all under the unbonded agricultural warehouse act, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The following committee amendments were considered:

Amend by striking the words "one-third" in line three (3) of section 1, and inserting in lieu thereof "one-half", and striking the remainder of the section.

Also amend by adding as Section 4 the following:

"Sec. 4. Any funds remaining in possession of the warehousing board after all expenses are paid at the end of the sealing period shall be prorated to the owners of the corn sealed on a pro-rata basis of the amount paid by said owner, provided however that where the amount paid by the owner was insufficient to meet the costs incurred in sealing, no refund shall be made to such owner.

Further amend by re-numbering section 4 as Sec. 5.

The amendments were adopted.

The bill was read for information.

Senator Ritchie moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 46.

Anderson	Booth	Elthon	Hopkins
Aschenbrenner	Byers	Fisch	Hush
Baldwin	Calhoun	Frailey	Husted
Beardsley	Carden	Geske	Irwin
Beatty	Chrystal	Harrington	Kimberly
Bennett	Doze	Hill	Klemme

Leo	Mullaney	Roelofs	Stevens of
McArthur	Nelson	Schmidt	Wapello
Meyer	Patterson	Shangle	Topping
Miller of	Pendray	Stanley	Tripp
Buchanan	Reese	Stevens of	Valentine
Miller of Jones	Ritchie	Decatur	Wenner
Moore			

Nays, none.

Absent or not voting, 4.

Coykendall

Hicklin

Knudson

Wilson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Booth moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent on request of Senator Ritchie, the bill was messaged to the House immediately.

By unanimous consent, on request of Senator Anderson, action was deferred on Senate File No. 28, said bill to retain its place on the calendar.

On motion of Senator Chrystal Senate File No. 73, a bill for an act to fix the rate per mile allowed for the use of privately owned automobiles by non-salaried members of the State Board and Commissions, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Chrystal offered the following amendment and moved its adoption:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. The members of the State Board of Conservation and the Fish and Game Commission, who serve without salary or other compensation, shall be entitled to mileage at the rate of seven and one-half cents per mile of actual and necessary travel for the use of privately owned automobiles in the performance of a public duty."

Senator Hush offered the following amendment to the amendment and moved its adoption:

Amend by adding thereto the following sentence: "Such payment for mileage shall be made from the funds at the disposal of the State Board of Conservation or Fish and Game Commission as the case may be."

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Chrystal moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 12.

Beardsley	Hush	Miller of	Reese
Byers	Irwin	Buchanan	Roelofs
Carden	Kimberly	Patterson	Schmidt
Chrystal			

Nays, 34.

Anderson	Fisch	Leo	Shangle
Aschenbrenner	Frailey	McArthur	Stanley
Beatty	Geske	Meyer	Stevens of
Bennett	Harrington	Miller of Jones	Decatur
Booth	Hill	Moore	Stevens of
Calhoun	Hopkins	Mullaney	Wapello
Coykendall	Husted	Nelson	Topping
Doze	Klemme	Pendray	Tripp
Elthon	Knudson	Ritchie	Wenner

Absent or not voting, 4.

Baldwin	Hicklin	Valentine	Wilson
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The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

On motion of Senator Chrystal Senate File No. 71, a bill for an act to enable the United States to acquire state lands for National Forests, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Chrystal moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?" the vote was:

Ayes, 45.

Anderson	Doze	Klemme	Ritchie
Aschenbrenner	Elthon	Knudson	Roelofs
Baldwin	Fisch	Leo	Schmidt
Beardsley	Frailey	McArthur	Shangle
Beatty	Geske	Meyer	Stanley
Bennett	Harrington	Miller of	Stevens of
Booth	Hill	Buchanan	Decatur
Byers	Hopkins	Miller of Jones	Stevens of
Calhoun	Hush	Moore	Wapello
Carden	Husted	Mullaney	Topping
Chrystal	Irwin	Patterson	Valentine
Coykendall	Kimberly	Pendray	Wenner

Nays, none.

Absent or not voting, 5.

Hicklin
Nelson

Reese

Tripp

Wilson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Chrystal moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

On motion of Senator Chrystal Senate File No. 74, a bill for an act to amend sections eighteen hundred twenty-two, a-one (1822-a1), eighteen hundred twenty-two a-two (1822-a2) eighteen hundred twenty-two a-three (1822-a3) of the Code, 1931, relating to the expenditure by cities in aiding in the purchase of land for state parks, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hush offered the following amendments and moved their adoption:

Amend by striking Sections One (1), Two (2) and Three (3) and inserting in lieu thereof the following:

“Section 1. Section eighteen hundred twenty-two a-one (1822 a-1) of the Code, 1931, is amended by striking the words “having a population of thirty-five hundred or over, situated in counties having a population of one hundred fifty thousand or over”, in lines two (2), three (3), four (4) and five (5) and inserting in lieu thereof the words “or towns”. Also amend said section by inserting after the word “city” in line five (5) the words “or town”.

Sec. 2. Section eighteen hundred twenty-two a-two (1822 a-2) of the Code, 1931, is amended by inserting after the word “cities” in line two (2) a “comma (,)” and the words “or by such town or towns”. Also amend said Section by inserting a “comma (,)” after the word “cities” in line six (6) thereof and the words “or by such town or towns”.

Sec. 3. Section eighteen hundred twenty-two a-three (1822 a-3) of the Code, 1931, is amended by inserting after the word “cities” in line two (2) thereof a “comma (,)” and the words “or any town or towns”.

Also amend the title by inserting after the word “cities” in line five (5) thereof the words “or towns”.

The amendments were adopted.

Senator Chrystal moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 46.

Anderson	Fisch	Leo	Roelofs
Aschenbrenner	Frailey	McArthur	Schmidt
Baldwin	Geske	Meyer	Shangle
Beardsley	Harrington	Miller of	Stanley
Beatty	Hill	Buchanan	Stevens of
Bennett	Hopkins	Miller of Jones	Decatur
Booth	Hush	Moore	Stevens of
Calhoun	Husted	Mullaney	Wapello
Carden	Irwin	Nelson	Topping
Chrystal	Kimberly	Patterson	Tripp
Coykendall	Klemme	Pendray	Valentine
Doze	Knudson	Ritchie	Wenner
Elthon			

Nays, none.

Absent or not voting, 4.

Byers	Hicklin	Reese	Wilson
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on request of Senator Ritchie, action on Senate Files 101 and 110 was deferred, said bills to retain their places on the calendar.

Senator McArthur asked unanimous consent to have Senate File No. 53 made a special order for 10:00 a. m. Thursday.

SENATE FILE 53 REREFERRED

Senator Coykendall moved that Senate File No. 53 be rereferred to the committee on agriculture.

The motion prevailed, and Senate File No. 53 was rereferred to the committee on agriculture.

THIRD READING OF BILLS

On motion of Senator Doze Senate File No. 24, a bill for an act to require telephone companies to furnish equal service and facilities to each other without discrimination, was taken up and considered, the bill having been placed on the calendar under rule No. 35.

Senator Doze offered the following amendments and moved their adoption:

Amend as follows:

1. By inserting immediately after the word "switchboards" in line four (4) of section one (1) the following words, to wit: "operating by virtue of a franchise granted by a city or town".

2. By inserting immediately after the word "exchanges" in line nineteen (19) the following words, to wit: "as herein defined".

The amendments were adopted.

Senator Fisch moved the previous question which motion prevailed.

The bill was read for information.

Senator Doze moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 39.

Anderson	Doze	McArthur	Ritchie
Aschenbrenner	Fisch	Meyer	Roelofs
Baldwin	Geske	Miller of	Shangle
Beardsley	Hill	Buchanan	Stanley
Beatty	Hopkins	Miller of Jones	Stevens of
Bennett	Hush	Mullaney	Decatur
Booth	Husted	Nelson	Stevens of
Calhoun	Irwin	Patterson	Wapello
Carden	Klemme	Pendray	Tripp
Chrystal	Knudson	Reese	Wenner
Coykendall	Leo		

Nays, 8.

Elthon	Harrington	Moore	Valentine
Frailey	Kimberly	Topping	Wilson

Absent or not voting, 3.

Byers	Hicklin	Schmidt
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Doze moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following joint resolution in which the concurrence of the House was asked:

Senate Joint Resolution No. 1, ratifying a proposed amendment to the Constitution of the United States relative to Child Labor.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 78, a bill for an act relating to General Executions for balance.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 68, a bill for an act relating to the alteration of the boundary lines of school districts.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 69, a bill for an act relating to the charges to be paid by the owner of grain at the time of the sealing of the warehouse.

VIRGIL LEKIN, *Chief Clerk.*

REPORT CONSIDERED

Senator Harrington called up for consideration the report of joint committee on extra help, as found on page 257 of the Senate journal, and moved its adoption.

The motion prevailed.

On motion of Senator Shangle the Senate adjourned until 2:00 p. m. today.

AFTERNOON SESSION

The Senate reconvened, pursuant to adjournment.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution No. 9, memorializing the President and the Secretary of Agriculture in regard to the Agricultural Adjustment Act.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE CONCURRENT RESOLUTION NO. 9

Whereas, It is the apparent intention of the meat packers who control the market for livestock to make the producers of livestock pay the processing taxes recently levied thereon by the federal government, and

Whereas, This practice tends to nullify the benefits the producers of livestock will receive from such processing tax, and,

Whereas, This practice by the packers is inimical to public welfare and in defiance of the intentions of Congress and the federal government, now, therefore, be it

Resolved That the Senate and House of the 45th General Assembly in special session assembled memorialize the President of the United

States and the Secretary of Agriculture, to exercise the authority vested in them under the Agricultural Adjustment Act to place the said packers under federal license and supervision and to take such other means as they may deem necessary to cause the said packers to comply with the spirit and the purpose of the said Agricultural Adjustment Act.

THIRD READING OF BILLS

On motion of Senator Stanley House File No. 17, a bill for an act to repeal section seventy-two hundred three (7203), Code, 1931, and to enact a substitute therefor, relating to the lien of poll taxes and of taxes on personal property, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The following committee amendment was considered.

Amend by striking out all of section one (1) after the third line thereof and insert in lieu thereof the following:

"7203. Lien of Personal Taxes. All poll taxes and taxes due from any person upon personal property now entered or hereafter entered on the delinquent personal tax list as provided by law, shall, for a period of ten years after December thirty-first following the levy, be a lien upon any and all real estate owned by such person or to which he may acquire title, and situated in the county in which the tax is levied. At the expiration of said period said lien shall cease."

The amendment was adopted.

The bill was read for information.

Senator Stanley moved that the reading just had be considered the third reading, which motion prevailed.

Senator Stanley moved that the vote by which the bill went to its third reading, be reconsidered, which motion prevailed.

By unanimous consent, on request of Senator Beatty, action was deferred.

On motion of Senator Shangle, House File No. 21, a bill for an act to amend section seventy-one hundred sixty-four (7164), Code, 1931, by repealing lines twenty (20) to thirty-two (32), inclusive, of said section, relating to the computation of tax rates, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

The following committee amendment was considered:

Strike out section one (1) thereof and insert in lieu thereof as section one (1) the following:

"Section seventy-one hundred sixty-four (7164), Code of 1931, is amended by striking therefrom all after the first eight (8) lines thereof and inserting in lieu thereof the following: 'Provided that the County Auditor shall, in computing the tax for any taxing district, deduct from the total budget requirements certified by any such district an amount equal to the amount to be levied in said year upon the moneys and credits and other monied capital taxed at a flat rate as provided in section sixty-nine hundred eighty-five (6985) and shall then apply such rate to the adjusted taxable value of the property in the district necessary to raise the amount required after deductions herein provided for have been made.'"

Also amend the title by striking therefrom the following words: "by repealing lines twenty (20) to thirty-two (32) inclusive, of said section,".

Senator Wilson offered the following amendment as a substitute for the committee amendment and moved its adoption:

Amend by striking out section one (1) and inserting in lieu thereof as section one (1) the following:

"Section 1. Section seventy-one hundred sixty-four (7164) Code of 1931, is amended by striking lines nine (9) to nineteen (19), inclusive, therefrom."

The substitution was made.

The amendment as substituted was adopted.

Senator Shangle moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 44.

Anderson	Doze	Klemme	Roelofs
Aschenbrenner	Elthon	Knudson	Shangle
Baldwin	Fisch	Leo	Stanley
Beardsley	Frailey	McArthur	Stevens of
Beatty	Geske	Meyer	Decatur
Bennett	Harrington	Miller of	Stevens of
Booth	Hill	Buchanan	Wapello
Byers	Hopkins	Miller of Jones	Topping
Calhoun	Hush	Moore	Tripp
Carden	Husted	Mullaney	Wenner
Chrystal	Irwin	Pendray	Wilson
Coykendall	Kimberly	Ritchie	

Nays, none.

Absent or not voting, 6.

Hicklin	Patterson	Schmidt	Valentine
Nelson	Reese		

The bill having received a constitutional majority was declared to have passed the Senate.

Senator Wilson moved that the title be amended to read as follows: "An Act to amend section seventy-one hundred sixty-four (7164), Code, 1931, by repealing lines nine (9) to nineteen (19), inclusive, of said section, relating to the computation of tax rates."

The amendment was adopted and the title as amended was agreed to.

On motion of Senator Shangle, House File No. 24, a bill for an act to repeal sections thirty-seven hundred fourteen (3714), and thirty-seven hundred fifteen (3715), Code, 1931, and to enact a substitute therefor, and so to amend sections thirty-seven hundred two (3702), thirty-seven hundred seventeen (3717), and thirty-seven hundred nineteen (3719), of said code as to coordinate said sections with chapter four hundred seventy-three (473) of said code, relating to the adoption of children, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Wenner moved to defer action temporarily.

The motion prevailed.

By unanimous consent, on request of Senator Kimberly, action on Senate File No. 40 was deferred, said bill to retain its place on the calendar.

On motion of Senator Stanley Senate File No. 41, a bill for an act to amend section ten thousand one hundred thirty-eight (10138), Code of Iowa, 1931, relating to the selection and platting of a homestead, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Stanley moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Anderson	Frailey	McArthur	Stanley
Aschenbrenner	Harrington	Meyer	Stevens of
Baldwin	Hill	Miller of	Decatur
Beatty	Hopkins	Buchanan	Stevens of
Bennett	Hush	Miller of Jones	Wapello
Booth	Husted	Moore	Topping
Byers	Irwin	Mullaney	Tripp
Calhoun	Kimberly	Nelson	Valentine
Carden	Klemme	Pendray	Wenner
Doze	Knudson	Roelofs	Wilson
Fisch	Leo	Shangle	

Nays, none.

Absent or not voting, 10.

Beardsley	Elthon	Patterson	Ritchie
Chrystal	Geske	Reese	Schmidt
Coykendall	Hicklin		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Stanley moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Calhoun, action on Senate File No. 43 was deferred, said bill to retain its place on the calendar.

By order of the president pro tempore action on House File No. 49 was deferred, due to the absence of the author and said bill retains its place on the calendar.

On motion of Senator Frailey Senate File No. 54, a bill for an act to amend Chapter Thirty Seven (37) of the Laws of the Forty Fifth General Assembly, relating to non-intoxicating liquors, beer, and other malt liquors, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Frailey offered the following amendment and moved its adoption:

Amend Section 1 by inserting in line 2 after the figure "(17)" the words "of chapter thirty-seven (37)".

The amendment was adopted.

Senator Hush offered the following amendment and moved its adoption:

Amend section 1 by striking from line 30 the words "pro ration" and inserting in lieu thereof the word "pro-rating".

The amendment was adopted.

The bill was read for information.

Senator Frailey moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 29.

Anderson	Geske	McArthur	Shangle
Baldwin	Harrington	Meyer	Stevens of
Byers	Hill	Miller of	Decatur
Chrystal	Irwin	Buchanan	Stevens of
Coykendall	Kimberly	Miller of Jones	Wapello
Doze	Klemme	Moore	Topping
Fisch	Knudson	Mullaney	Valentine
Frailey	Leo	Roelofs	Wilson

Nays, 5.

Carden	Hopkins	Husted	Ritchie
			Tripp

Absent or not voting, 16.

Aschenbrenner	Booth	Hush	Reese
Beardsley	Calhoun	Nelson	Schmidt
Beatty	Elthon	Patterson	Stanley
Bennett	Hicklin	Pendray	Wenner

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Kimberly moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

On motion of Senator Miller of Jones Senate File No. 56, a bill for an act to amend the law as it appears in Section eighty-nine hundred twelve (8912) Code, 1931, relating to and regulating the advancement of funds to Mutual Insurance Companies other than life, so as to authorize such insurance companies to establish a guaranty fund, and to provide for the establishment, regulation and administration of such fund, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

By unanimous consent, on request of Senator Miller of Jones, House File 77, a companion bill, was substituted for Senate File 56.

On motion of Senator Byers House File No. 77, a bill for an emergency act to amend the law as it appears in Section eighty-nine hundred twelve (8912), Code, 1931, relating to and regulating the advancement of funds to Mutual Insurance Companies other than

life, so as to authorize such insurance companies to establish a guaranty fund, and to provide for the establishment, regulation and administration of such fund, was taken up, and considered.

Senator Hush offered the following amendment and moved its adoption:

Amend by striking the word "each" from line 8 of Section One (1).

The amendment was adopted.

Senator Byers moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Anderson	Elthon	Leo	Stanley
Aschenbrenner	Frailey	Meyer	Stevens of
Baldwin	Geske	Miller of	Decatur
Beatty	Harrington	Buchanan	Stevens of
Bennett	Hill	Miller of Jones	Wapello
Booth	Hopkins	Moore	Topping
Byers	Husted	Mullaney	Tripp
Calhoun	Irwin	Patterson	Valentine
Carden	Kimberly	Pendray	Wenner
Coykendall	Klemme	Roelofs	Wilson
Doze	Knudson	Shangle	

Nays, none.

Absent or not voting, 10.

Beardsley	Hicklin	Nelson	Ritchie
Chrystal	Hush	Reese	Schmidt
Fisch	McArthur		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Miller of Jones moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Miller of Jones, Senate File 56, a companion bill to the one just passed, was withdrawn.

COPIES OF SENATE FILES 150 AND 209 ORDERED

By unanimous consent, on request of Senator Harrington, 600 extra copies each of Senate Files 150 and 209 were ordered printed.

SENATE FILE 33 ON THE CALENDAR

Senator Harrington, under rule 35, called Senate File 33 from the committee on tax revision and reorganization and placed it on the calendar.

By unanimous consent, on request of Senator Byers, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 220, by committee on motor vehicles, a bill for an act to amend Sections Forty-nine hundred sixty-d twenty-nine (4960-d29), and Forty-nine hundred sixty-d forty-five (4960-d45), Code, 1931, relating to operators' and chauffeurs' license law.

Read first and second times and placed on the calendar.

Senate File No. 221, by committee on motor vehicles, a bill for an act to amend section forty-nine hundred thirty-one (4931), Code, 1931, as enacted by chapter eighty (80), Acts Forty-fifth (45th) General Assembly, relating to surrendering license plates on motor vehicles.

Read first and second times and placed on the calendar.

HOUSE MESSAGES CONSIDERED

House File No. 68, a bill for an act to fix a minimum limitation upon the size of school districts; to repeal section forty-one hundred thirty-two (4132), code 1931, and to enact a substitute therefor; and to repeal sections forty-one hundred thirty-one-c one (4131-c1), forty-one hundred thirty-five (4135), and forty-one hundred fifty-two (4152), code 1931, relating to the alteration of the boundary lines of school districts.

Read first and second time and referred to committee on public schools.

House File No. 78, a bill for an act to repeal section twelve thousand three hundred and seventy-seven (12377), Code, 1931, relating to General Executions for balance.

Read first and second time and referred to committee on judiciary No. 1.

The journal of December 5th was corrected and approved.

REPORTS OF COMMITTEES

Senator Tripp submitted the following report:

MR. PRESIDENT: Your committee on ways and means, to which was

referred Senate File 61, a bill for an act to amend section sixteen hundred fifty-six (1656) of the Code, 1931, relating to exemptions of members of Fire Companies from poll tax, and from serving as jurors, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

D. MYRON TRIPP, *Chairman.*

Ordered passed on file.

Also:

Your committee on ways and means, to which was referred Senate File 67, a bill for an act to amend section seventy-two hundred fourteen (7214) Code, 1931, as amended by chapter one hundred thirty-two (132), Acts Forty-fifth General Assembly, relating to interest on delinquent taxes, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

D. MYRON TRIPP, *Chairman.*

Ordered passed on file.

Also:

Your committee on ways and means, to which was referred Senate File 185, a bill for an act to authorize and provide for assessments on mercantile businesses established in a county after January first (1st) and prior to July first (1st) of any year, to declare the effect thereof, and to provide the procedure for the making of such assessments and for the collection of the taxes levied thereon, begs leave to report it has had the same under consideration and recommends the same do pass.

D. MYRON TRIPP, *Chairman.*

Ordered passed on file.

Also:

Your committee on ways and means, to which was referred Senate File 133, a bill for an act creating a presumption in any action or proceeding to recover taxes upon property not listed or assessed for taxation during the lifetime of any decedent, that any property, any evidence of ownership of property, and any evidence of a promise to pay, owned by a decedent at the date of his death, had been acquired by such decedent more than five (5) years before the date of his death; and providing that the burden of proving that any such property had been acquired by such decedent less than five (5) years before the date of his death shall be upon the heirs, legatees, and legal representatives of such decedent, begs leave to report it has had the same under consideration and recommends the same do pass.

D. MYRON TRIPP, *Chairman.*

Ordered passed on file.

Also:

Your committee on ways and means, to which was referred Senate File 57, a bill for an act to amend the law as it appears in chapter three hundred thirty-two (332) Code, 1931, relating to assessment of moneys and credits and providing for abatement or return of such assessment under

certain conditions, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

Amend Senate File No. 57 by striking all after the enacting clause, and inserting in lieu thereof the following:

"Section 1. In any case where a note or notes secured by a real estate mortgage or real estate contract have been assessed to their owner for any year, and the owner, during the course of that year acquires title to the real estate which was security for the note or notes, the Board of Supervisors shall, on proper showing that the owner of the note or notes secured by real estate mortgage or contract has been or may be compelled to pay the taxes on both the real estate and the note or notes, abate or reduce the assessment on the note or notes and in case the tax has been paid order a refund of same."

D. MYRON TRIPP, *Chairman.*

Ordered passed on file.

Senator Patterson submitted the following report:

MR. PRESIDENT: Your committee on Tax Revision and Reorganization to which was referred Senate File 1, a bill for an act to equalize taxation and replace in part the tax on property; to provide the public revenue to be used for such replacement by imposing a personal net income tax, a business tax on corporations, and a tax on the gross receipts from retail sales as defined herein; to provide for the collection of such taxes, the distribution and use of the revenue derived therefrom, and the administration of said law; to fix fines and penalties for the violation of the provisions of this act; and to repeal all laws or parts of laws in conflict herewith, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

1. Amend section 4, paragraph 12, by striking the period after the word "support" in line 52 and adding thereto the following: "; provided, however, that such dependents must be of blood relation, marriage or adoption."

2. Amend section 8, by striking from paragraph 2 all of paragraph (b), and inserting in lieu thereof the following:

"(b) 1. Amounts received under a life insurance contract paid by reason of the death of the insured, whether in a single sum or in installments (but if such amounts are held by the insurer under an agreement to pay interest thereon, the interest payments shall be included in gross income).

"2. Amounts received (other than amounts paid by reason of the death of the insured and interest payments on such amounts) under a life insurance, endowment, or annuity contract, but if such amounts (when added to amounts received before the taxable year under such contract) exceed the aggregate premium or consideration paid (whether or not paid during the taxable year) then the excess shall be included in gross income. In the case of a transfer for a valuable consideration, by assignment or otherwise, of a life insurance, endowment, or annuity contract, or any interest therein, only the actual value of such consideration

and the amount of the premiums and other sums subsequently paid by the transferee shall be exempt from taxation under paragraph 1 or this paragraph."

3. Amend section 9 sub-section 5 by inserting after the word "the" in line 28 the words "damage, destruction,". And further amend by striking the period after the word "date" in line 38 of said sub-section and inserting in lieu thereof the following: "; and provided further that any allowance for damage or destruction shall be only such as is not covered by insurance."

4. Amend section 15, by striking from line 13 the word "taxpayer" and inserting in lieu thereof the words: "resident of this state".

5. Amend section 29, sub-section (a), paragraph (2), by striking all of lines 32 to 43 inclusive and inserting in lieu thereof the following: "to business within the state shall be in that proportion which the gross sales made within the state bear to the total gross sales."

6. Also amend section 29, sub-section (a), paragraph (2), by striking from line 46 after the word "deliveries" the words "to a common carrier".

7. Amend section 38, paragraph (f), by adding after the period in line 29, the following:

"Provided, further, that on all sales of retailers, valued in money, when such sales are made under conditional sales contract, or under other forms of sale wherein the payment of the principal sum thereunder be extended over a period longer than sixty (60) days from the date of sale thereof, that only such portion of the sale amount thereof shall be accounted, for the purpose of imposition of tax imposed by this bill, as has actually been received in cash by the retailer during the accounting period as defined herein."

8. Amend section 62 line 3 on page 58 by striking the word "sixty" and inserting in lieu thereof the words "sixty-one".

G. W. PATTERSON, *Chairman*.

Ordered passed on file.

Senator Leo submitted the following report:

MR. PRESIDENT: Your committee on Appropriations to which was referred Senate File 118, a bill for an act to make an appropriation for Ed A. Schmidt, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman*.

Ordered passed on file.

Also:

Your committee on Appropriations to which was referred Senate File 147, a bill for an act to make an appropriation to Mrs. B. Cole, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman*.

Ordered passed on file.

Also:

Your committee on Appropriations to which was referred Senate File 148, a bill for an act to make an appropriation to Mercy Hospital of Oelwein, Iowa, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on Appropriations to which was referred Senate File 149, a bill for an act to make an appropriation to Robert A. Turpin, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on Appropriations to which was referred Senate File 177, a bill for an act to make an appropriation to Violet Bencke, Nellie Powers and Opal McGarvey, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

AMENDMENTS FILED

Amend Senate File No. 100 by Committee on Agriculture by inserting a comma (,) after the word "lard" in line three (3) of section two (2), and inserting the words "except corn oil or any product derived therefrom", also amend line one (1) of Section three (3) by inserting a comma (,) after the word "lard" and inserting "except as stated".

J. R. FRAILEY,
H. L. IRWIN,
FRANK C. BYERS.

Amend Senate File No. 53, section three (3) by inserting after the word "be" in line eight (8) the following:

"held a special election of the qualified tax paying voters of the county upon the question "shall there be organized a County Extension Council and County Executive Board as provided in this Act". If the said proposition carries by a legal plurality of the votes cast there shall be".

L. T. SHANGLE.

Amend Senate File No. 53, as follows:

1. Insert after section sixteen (16) the following:

"Sec. 17. First council. Upon the filing, in 1934, of a petition as herein provided, the county auditor shall proceed forthwith to call elections in each township for the election of the township members of said County Extension Council, and to notify each of the agencies mentioned in sub-divisions "C" and "D" of section four (4) forthwith to elect their representative on said council. Whenever it appears to the county audi-

tor that all certificates of election have been received by him, he shall forthwith call the first meeting of the apparent members of said County Extension Council, at which meeting the said council shall organize and proceed with the election of a County Executive Board and the formulation of a program of work as herein provided. The said council and board shall hold office until the first annual meeting in December, 1934."

2. Strike out all parts of section seventeen (17) of the bill following the word "Iowa" in line six (6).

3. Strike out line seventeen (17) of section fourteen (14) of the bill.

4. Renumber section seventeen (17) of the bill as section eighteen (18).

WM. MCARTHUR.

Amend Senate File No. 53 by striking from line three (3) in section three (3) the words "twenty per cent (20%)" and inserting in lieu thereof the words "fifty-one per cent (51%)".

CLAUDE STANLEY.

Amend House File 17 as amended by striking all of section 1, after line 3 and inserting the following:

"7203. Lien Of Personal Taxes. All poll taxes and taxes due from any person upon personal property now or hereafter entered on the delinquent personal tax list of any county as provided by law shall, from the date said taxes were so entered, be a lien upon said real estate now owned or hereafter acquired in said county by any person, and said lien shall continue until ten (10) years after the December 31st following the date of levy. At the expiration of said period said lien shall cease."

CLAUDE STANLEY.

On motion of Senator Bennett, the Senate adjourned until 10:00 a. m. Thursday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 7, 1933.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. J. Walton Kempe, pastor of the Grandview Lutheran church of Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Hicklin indefinitely, on account of illness in the family, on request of Senator Topping; Senator Fisch for the day, on account of illness, on request of Senator Pendray.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring Senate File 83 and House Files 18 and 163. Senator Stanley from members of the Bedford fire department. Senator Tripp from members of the Newton fire department. Cities and towns.

Favoring replacement taxes limiting tax on real estate. Senator Beardsley from voters of Warren county. Senator Irwin from voters of Clinton county. Tax revision and reorganization.

Favoring gross income tax. Senator Reese from voters of Marshall county. Tax revision and reorganization.

Favoring bill for increase in restaurant license fees. Senator Patterson from restaurant owners of Estherville, Emmetsburg and Ruthven. Senator Bennett from restaurant owners of Logan, Dunlap, Missouri Valley and Woodbine. Senator Tripp from restaurant owners of Monroe, Colfax, Newton and Prairie City. Senator Moore from restaurant owners of Oakland, Council Bluffs, Carson, Neola, Minden and Avoca. Cities and towns.

Opposing proposed bill for regulation of the purchase of live-

stock. Senator Hopkins from farmers and business men of Dexter and vicinity. Senator Stanley from voters of Lenox. Agriculture.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me, as Secretary of the Senate, a proof of publication from the Guttenberg Press, Guttenberg, Iowa, relating to Senate File 122, a bill for an act to legalize the action of the town council of Guttenberg, Iowa, appropriating and using certain moneys from the Electric Light Fund of said town for the relief of unemployment in said town. BYRON G. ALLEN, *Secretary of the Senate.*

COPIES OF SENATE FILES 98 AND 172 ORDERED

By unanimous consent, on request of Senator Reese, 600 extra copies of Senate File 98 were ordered printed.

By unanimous consent, on request of Senator Schmidt 600 extra copies of Senate File 172 were ordered printed.

SENATE FILE 1 MADE SPECIAL ORDER

Senator Patterson moved that Senate File 1 be made a special order of business Monday at 10:00 a. m. The motion prevailed.

By unanimous consent, on request of Senator Byers, his motion to resolve the Senate into a committee of the whole, as found on page 230 of the Senate Journal, was withdrawn.

THIRD READING OF BILLS

By unanimous consent, on request of Senator Anderson, action on Senate File 28 was deferred.

CONSIDERATION OF HOUSE FILE 17 RESUMED

Senator Stanley called up for consideration, House File 17, upon which action was deferred as shown on page 273 of the Senate Journal.

Senator Stanley offered the following amendment and moved its adoption:

Amend the bill as amended by striking all of section 1, after line 3 and inserting the following:

"7203. Lien Of Personal Taxes. All poll taxes and taxes due from any person upon personal property now or hereafter entered on the delinquent personal tax list of any county as provided by law shall, from the date said taxes were so entered, be a lien upon any real estate now

owned or hereafter acquired in said county by said person, and said lien shall continue until ten (10) years after the December 31st following the date of levy. At the expiration of said period said lien shall cease."

The amendment was adopted.

Senator Stanley moved that the reading previously had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 45.

Anderson	Doze	Knudson	Ritchie
Aschenbrenner	Elthon	McArthur	Roelofs
Baldwin	Frailey	Meyer	Schmidt
Beardsley	Geske	Miller of	Shangle
Beatty	Harrington	Buchanan	Stanley
Bennett	Hill	Miller of Jones	Stevens of
Booth	Hopkins	Moore	Decatur
Byers	Hush	Mullaney	Stevens of
Calhoun	Husted	Nelson	Wapello
Carden	Irwin	Patterson	Tripp
Chrystal	Kimberly	Pendray	Valentine
Coykendall	Klemme	Reese	Wenner

Nays, none.

Absent or not voting, 5.

Fisch	Leo	Topping	Wilson
Hicklin			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Stanley moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

CONSIDERATION OF HOUSE FILE 24 RESUMED

Senator Shangle called up for consideration, House File 24, upon which action was deferred as shown on page 275 of the Senate Journal.

Senator Booth moved that action on House File 24 be deferred. The motion prevailed.

By unanimous consent on request of Senator Ritchie, action on Senate File 101 was deferred temporarily.

On motion of Senator Ritchie, Senate File 110, a bill for an act to amend sections thirty-one hundred twenty-seven (3127), thirty-

one hundred thirty (3130), and thirty-one hundred thirty-seven (3137), Code, 1931, and to repeal sections thirty-one hundred twenty-nine (3129) and thirty-one hundred thirty-six (3136), Code, 1931, and to enact a substitute therefor, relating to agricultural seeds, an agriculture committee bill, was taken up and considered.

The bill was read for information.

Senator Ritchie offered the following amendment and moved its adoption:

Amend by adding thereto the following:

"Sec. 6. This act being deemed of immediate importance shall be in force and effect after its passage and publication in The Alta Advertiser, a newspaper published in Alta, Iowa, and in the Bode Bugle, a newspaper published in Bode, Iowa."

The amendment was adopted.

By unanimous consent on request of Senator Ritchie, the word "fredom" in line 17 of Sec. 4 was changed to the word "freedom".

Senator Wenner offered the following amendment and moved its adoption:

Amend Sec. 4 by striking from line 7 the words "to merchants" and inserting in lieu thereof the word "subject".

The amendment was adopted.

Senator Nelson offered the following amendment and moved its adoption:

Amend Sec. 4 by inserting after the word "purposes" in line 8 thereof the words "or for seeding purposes by the purchaser".

The amendment was lost.

Senator Shangle offered the following amendment and moved its adoption:

Amend section five (5) by inserting after the word "primary" in line seven (7) the words "or secondary".

Senator Ritchie asked unanimous consent to have the secretary of agriculture answer some questions.

Objection was made.

The amendment was adopted.

Senator Coykendall offered the following amendment and moved its adoption:

Amend by striking lines 12 to 17 inclusive of section 4.

Senator Calhoun offered the following amendment as a substitute for the pending amendment, and moved its adoption:

Amend by striking from lines 14, 15, 16 and 17 of section 4 the following: " , no label need be attached but the vendor must show evidence that said lot does not violate any of the provisions of the foregoing sections as to freedom from noxious weeds".

The substitution was made.

Senator Klemme moved the previous question, on the pending amendment, which motion prevailed.

The substitute amendment was adopted.

Senator Beatty offered the following amendment as a substitute for subsection 4 of section 4 of the bill, and moved its adoption:

"4. When sold by one farmer to another and delivered upon the vendor's premises; but if such seed is advertised for sale or is delivered through a common carrier, then the seed shall be subject to all the requirements of this title."

The amendment was adopted.

Senator Tripp moved to defer action on the bill.

The motion prevailed, and action was deferred.

Senator Calhoun asked unanimous consent to have Senate File 43 made a special order immediately following the completion of consideration of Senate File 1.

Objection was raised.

SENATE FILE 83 MADE SPECIAL ORDER

By unanimous consent, on request of Senator Wilson, Senate File 83 was made a special order of business for Friday at 10:30 a. m.

SENATE FILE 43 MADE SPECIAL ORDER

Senator Valentine moved that Senate File 43 be made a special order of business to follow immediately after completion of consideration of Senate File 1.

The motion prevailed.

The journal of December 6th was corrected and approved.

REPORTS OF COMMITTEES

Senator Geske submitted the following report:

MR. PRESIDENT: Your committee on emergency legislation to which was referred Senate File 11, a bill for an act to amend section eleven thousand seven hundred thirty-two (11732) of the Code, 1931, relating to sale of land under execution, begs leave to report it has had the same under consideration and recommends the same be amended as follows, and when so amended the bill do pass:

Amend Senate File No. 11 by striking out the word "than" in line three (3) of section one (1) and inserting in lieu thereof the word "plan".

M. X. GESKE, *Chairman*.

Ordered passed on file.

Also:

Your committee on emergency legislation to which was referred Senate File 12, a bill for an act to amend section eleven thousand seven hundred seventy-four (11774) of the Code, 1931, relating to redemption by debtor of real property from Execution Sale, begs leave to report it has had the same under consideration and recommends the same be amended as follows, and when so amended the bill do pass:

Amend Section one (1) by striking therefrom in lines five (5) and six (6) thereof the following words: "free and clear of any lien thereon by reason of any deficiency judgment against the judgment debtor and".

M. X. GESKE, *Chairman*.

Ordered passed on file.

Senator Shangle submitted the following report:

MR. PRESIDENT: Your committee on judiciary No. 2 to which was referred Senate File 42, a bill for an act to provide for the protection, welfare and assistance of aged persons in need and resident in the State of Iowa, providing the method therefor, making an appropriation therefor and prescribing penalties for the violation of the provisions of this act, begs leave to report it has had the same under consideration and recommends the same do pass.

L. T. SHANGLE, *Ranking Member*.

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred Senate File 116, a bill for an act to make Section eleven thousand nine hundred and eighty-four (11984), Code, 1931, relating to the payment of claims, applicable to guardians and trustees of estates, begs leave to report it has had

the same under consideration and recommends the same be indefinitely postponed.

L. T. SHANGLE, *Ranking Member*.

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred Senate File 132, a bill for an act to legalize the corporate acts and proceedings of Star Automobile Company, of Pella, Marion County, Iowa, and to provide for the renewal and extension of the period of corporate existence and the adoption of renewal, amended and substituted articles of incorporation of said Star Automobile Company, begs leave to report it has had the same under consideration and recommends the same do pass.

L. T. SHANGLE, *Ranking Member*.

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred Senate File 152, a bill for an act to legalize and validate proceedings taken by the City Council of the City of Des Moines, Iowa, authorizing and providing for the issuance of bonds for public improvement purposes and making provisions for the levy of taxes to pay said bonds, begs leave to report it has had the same under consideration and recommends the same do pass.

L. T. SHANGLE, *Ranking Member*.

Ordered passed on file.

Senator Booth submitted the following report:

MR. PRESIDENT: Your committee on highways to which was referred House File No. 23, a bill for an act to amend section 4644-c8, Code, 1931, relating to the secondary road construction fund, begs leave to report it has had the same under consideration and recommends the same do pass.

CHAS. D. BOOTH, *Chairman*.

Ordered passed on file.

Also:

Your committee on highways to which was referred House File 28, a bill for an act authorizing the Executive Council of the State of Iowa to sell certain tracts, parcels, or pieces of land when the fee title thereto has been acquired by the State of Iowa, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

Amend House File 28 by inserting as Sec. 2 the following:

"Sec. 2. Notice of intention to sell such tracts, parcels, pieces of land or part thereof, must, not less than ten (10) days prior to sale thereof, be sent by registered mail by the Highway Commission to the last known address of the present owner of adjacent land from which said tract, parcels, pieces of land or parts thereof were originally bought for highway improvement purposes.

"Said notice shall give opportunity to the present owner of adjacent property to be heard and to make offers for the parts, parcels or parts thereof to be sold, and if such offer is equal to or exceeds in amount other offers, it shall be given preference by the highway commission and executive council.

"Neglect or failure for any reason of the owner to comply with the provisions of said notice shall in no way prevent the giving of a clear title to the purchaser of such tracts, parcels, pieces of land or parts thereof."

Further amend by renumbering Sec. 2 as Sec. 3.

CHAS. D. BOOTH, *Chairman.*

Ordered passed on file.

Also:

Your committee on highways to which was referred Senate File 52, a bill for an act relating to interstate bridges, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

CHAS. D. BOOTH, *Chairman.*

Ordered passed on file.

Also:

Your committee on highways to which was referred Senate File 115, a bill for an act to amend sections 5875 and 6209, Code, 1931, relating to cities which control their own tax levies for bridge purposes, begs leave to report it has had the same under consideration and recommends the same do pass.

CHAS. D. BOOTH, *Chairman.*

Ordered passed on file.

Senator Stanley submitted the following report:

MR. PRESIDENT: Your committee on military affairs to which was referred Senate File 65, a bill for an act to amend section six thousand six hundred six (6606), Code, 1931, relating to the power to establish Armory, begs leave to report it has had the same under consideration and recommends the same do pass.

CLAUDE STANLEY, *Chairman.*

Ordered passed on file.

AMENDMENTS FILED

Amend Senate File 101 by adding thereto the following:

"Sec. 15. This act being deemed of immediate importance shall be in force and effect after its passage and publication in the Albert City Appeal, a newspaper published in Albert City, Iowa, and in The Renwick Times, a newspaper published in Renwick, Iowa." W. R. RITCHIE.

Amend Senate File No. 15 by striking all of Section two (2), and inserting in lieu thereof the following:

"Sec. 2. This act being deemed of immediate importance shall be in

full force and effect after its passage and publication in the Lamoni Chronicle, a newspaper published at Lamoni, Iowa, and in The Creston Daily Advertiser, a newspaper published at Creston, Iowa."

FRANK M. STEVENS.

Amend Senate File 193 by striking all of section 2.

WILLIAM MCARTHUR.

Amend Senate File No. 110 by inserting after the word "being" in line seven (7) of section four (4) the following: "used,". E. J. WENNER.

Amend Senate File 43, relating to workmen's compensation, by striking all after the enacting clause, and substituting therefor the following:

"Section 1. For the purpose of assuring and securing the payment of compensation as provided and required of employers under the provisions of chapter seventy (70), seventy-one (71) and seventy-two (72) of the Code, 1931, and amendments thereto, such employers by virtue thereof, thereby become members of an unincorporated association, which shall be known as the Employers' Indemnity Association, and empowered to make by-laws for its government not inconsistent with the law; to issue policies of compensation insurance to its members, and such other powers as may be necessary to carry out the provisions of this act. It shall have power to sue and be sued in the name designated, but the private property of the members shall not be liable for debts of the association, except as by this act otherwise provided.

"Sec. 2. The governor shall appoint a board of directors of the association consisting of nine (9) members who shall serve for a term of one year or until their successors have been elected by the members at such time and for such term as the by-laws shall provide.

"Sec. 3. Until the first meeting of the members, the board of directors shall have and exercise all the power of the members and may adopt by-laws not inconsistent with the provisions of this act, which shall be in effect until amended or repealed by the members. The board of directors shall annually choose by ballot, a president who shall be a member of the board, a secretary, a treasurer and such other officers as the by-laws shall provide.

"Sec. 4. Six or more of the directors shall constitute a quorum for the transaction of business.

"Sec. 5. Vacancies in any office may be filled in such manner as the by-laws shall provide.

"Sec. 6. Any employer coming under the terms of this act for the payment of workmen's compensation for injuries sustained by any of their employees under the workmen's compensation law, shall be conclusively presumed to have elected to secure the payment thereof as by the terms, conditions and provisions of this act, and any employer, coming under this act, thereby elects to and becomes a member of the Employers' Indemnity Association, except the state, counties, municipal corporations, and school districts, including cities under special charter and under commission form of government.

The board of directors shall within ninety days after this act takes effect call the first meeting of the members of the association by a notice

published in a newspaper of general circulation in the state not less than ten days before the date fixed for the meeting when a board of directors shall be elected consisting of nine members.

"Sec. 7. In any meeting of the members, each member shall be entitled to one vote and if a member has five hundred employees to whom the association may become bound to pay compensation as provided for by the workmen's compensation law, he shall be entitled to two votes, and one additional vote for each additional five hundred employees to whom the association may become bound to pay compensation; but no member shall cast in his own right or by right of proxy, more than twenty votes.

"Sec. 8. The board of directors, subject to the approval of the insurance commissioner, shall distribute the members into groups according to the nature of the business and the degree of the risk of injury, and shall fix and formulate such rules and regulations establishing premium rates for groups and differentials for groups and individuals as shall be fair, just, equitable and reasonably necessary and adequate for the purpose of raising such funds as may be required to meet the expenses of said association and pay the compensation to injured employees.

Of the premiums collected from the members of said association ten per cent of the amount collected shall be placed in a reserve fund until the sum of one million dollars (\$1,000,000.00) shall have been accumulated which at all times shall be used or loaned under such rules and regulations as may be determined in the by-laws of the association. Until the sum of one hundred thousand dollars (\$100,000.00) shall have been accumulated in the reserve fund, the directors of the association shall cause the risks of its members to be reinsured in some one or more companies to be approved by the insurance commissioner in the amounts as follows:

When organized five thousand dollars (\$5,000.00);

When membership represents fifteen thousand employees, thirty thousand dollars (\$30,000.00);

When membership represents twenty-five thousand employees, fifty thousand dollars (\$50,000.00);

When membership represents fifty thousand employees, seventy-five thousand dollars (\$75,000.00);

When membership represents sixty thousand employees, one hundred thousand dollars (\$100,000.00), which shall be for the use and benefit of the association to meet its liabilities and the liabilities of its members when needed to pay the compensation contemplated by this act. If at any time the reserve fund becomes reduced below one million (\$1,000,000.00) dollars, the directors of the association shall retain ten per cent of the premiums collected for the purpose of replenishing the reserve as herein contemplated. The funds of the Employers' Indemnity Association shall be exempt from taxation except the income from moneys loaned.

"Sec. 9. All premiums and assessments shall be fixed by and for groups with differentials in accordance with the experience affecting the risk of each group or individual, but all the funds of the association and the contingent liability of all the members shall be liable for the payment of any claim against the association or members,

"Sec. 10. All proposed premiums, assessments, dividends or distributions of members shall be filed with the insurance commissioner and shall not take effect until by him deemed fair, just, equitable, reasonable and adequate and approved.

"Sec. 11. The insurance commissioner may withdraw his approval of any premium rates or distribution of members made under the provisions of this act, and thereupon the board of directors shall at once prepare another rate or distribution of members as the case may be.

"Sec. 12. The board of directors of the Employers' Indemnity Association shall prepare a form of insurance policy to be issued to its members, which shall contain the following provisions:

(1) The Employers' Indemnity Association hereinafter called the company in consideration of the premiums which are set forth in the schedule together with the covenants therein contained, does hereby agree to pay the injured workman, or his or her dependents, of the employer hereinafter named, or the receiver or other person appointed by the court to take charge or control of the property or business of the firm, association or corporation named, herein called the assured, any and all legal liability imposed by chapters seventy (70), seventy-one (71) and seventy-two (72) of the Code, 1931, and acts amendatory thereof, known as the workmen's compensation act; and said company agrees to pay any and all compensation due or that may become due or to which workmen coming under this act may be entitled for injuries sustained arising out of and in the course of employment of such assured, and the company agrees to pay such compensation in accordance with the terms, conditions and provisions of said act or acts.

And the company further agrees that the following matters, to-wit:

(1) Any proceedings by the employer or employee with reference to compensation for such injuries,

(2) Any decisions, findings or orders made by any court of this state, the Iowa Industrial Commissioner or a board of arbitration with reference to such compensation,

(3) Or an agreement entered into by and between the assured and such workman with reference to such compensation, shall be binding upon the company with the same force effect as against the assured and for that purpose the company in such cases shall be regarded as a principal and one of the parties to the proceeding, decision, findings, orders or agreements, the assured being a party thereto, being sufficient to bind the company, and in such cases the assured and the company shall be regarded as the employer.

"Sec. 13. All forms of policies of insurance of said association shall be submitted to the insurance commissioner for approval and by him approved if conforming to the provisions of law, and any decisions rendered and entered for compensation as contemplated within the terms of this act, shall be binding and enforceable against the Employers' Indemnity Association, and shall be a lien for the amount of compensation allowed upon the funds of the said association, and its assets until paid, together with interest at six per cent upon all payments not made when due.

"Sec. 14. In any case where an employer coming within the provisions

of the compensation law fails to pay the premiums, assessments or other obligations due the Employers' Indemnity Association as contemplated by this act, the board of directors shall have the power to enforce collection by appropriate proceedings in a competent court having jurisdiction of the employer. Provided that the Employers' Indemnity Association may provide in the by-laws and policy where the premium shall be payable, and in such case the district court of the county where the premium is made payable shall have jurisdiction of the subject matter and parties for the purpose of enforcing collection of the claims; and the amount for which judgment is rendered shall be a first lien upon any and all property of the judgment debtor subject only to that of taxes and claims of the employees for compensation remaining unpaid to parties entitled thereto as by this act provided, and except preferred claims for wages of employees. Provided, however, that the lien provided for herein shall not be prior to recorded existing contract liens when this act takes effect.

"Sec. 15. This act shall be construed as supplementary to any and all other acts in force affecting the relationship of employer and employee relating to the workmen's compensation law unless clearly inconsistent therewith and to that extent all acts and parts of acts inconsistent herewith are hereby repealed. Provided that in so far as any part of this act is adjudicated as unconstitutional by any court of competent jurisdiction, the law in force when this act takes effect which appears inconsistent herewith, shall not be regarded as repealed by the part adjudicated as unconstitutional.

"Sec. 16. If the provisions of this act or any part thereof shall be adjudged invalid or unconstitutional by the supreme court of this state, or the supreme court of the United States, the period of time intervening between the occurrence of any injury or death, and the final adjudication of invalidity shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death; and the party entitled to bring such action shall not be prejudiced by reason of any proceedings had or taken under this act; but the amount of any compensation which may have been paid for such injury shall be deducted from any judgment for damages or an award on account of such injury."

D. MYRON TRIPP.

Amend Senate File No. 1 by striking "Division IV, Retail Sales Tax" and inserting in lieu thereof as Division IV the following:

"Division IV.

"Sec. 38. Any person, firm, corporation, association or copartnership desiring to operate, maintain, open or establish a store, except owners of line grain elevators, lumber yards, coal and wood yards, which are specifically exempted from the chain provisions of this act, and pay only the license fee of one dollar (\$1.00), in this state after January 1, 1934, shall apply to the state board for a license so to do. The application for a license shall be made on a form which shall be prescribed and furnished by the state board, and shall set forth the name of the owner, manager, trustee, lessee, receiver or other person desiring such license; the name of such store; the location, including the street number, of such store; and such other facts as the state board may require. If the applicant

desires to operate, maintain, open or establish more than one such store, he shall make a separate application for a license to operate, maintain, open or establish each such store, but the respective stores for which the applicant desires to secure licenses may all be listed on one application blank. Each such application shall be accompanied by a filing fee of fifty cents, and by the license fee as prescribed in section 41.

"Sec. 39. As soon as practicable after the receipt of any such application, the state board shall carefully examine such application to ascertain whether it is in proper form and contains the necessary and requisite information. If, upon examination, the state board shall find that any such application is not in proper form and does not contain the necessary and requisite information, it shall return such application for correction. If an application is found to be satisfactory, and if the filing and license fees, as herein prescribed, shall have been paid, the state board shall issue to the applicant a license for each store for which an application for a license shall have been made. Each licensee shall display the license so issued in a conspicuous place in the store for which such license is issued.

"Sec. 40. All licenses shall be so issued as to expire on the thirty-first day of December of each calendar year. On or before the first day of January of each year, every person, firm, corporation, association or copartnership having a license, shall apply to the state board for a renewal license for the calendar year next ensuing. All applications for renewal licenses shall be made on forms which shall be prescribed and furnished by the state board. No license shall lapse prior to the thirty-first of January of the year next following the year for which such license was issued, and if an application is not made for and a renewal license issued on or before the first day of February, next ensuing, the former license shall lapse and become null and void and the state board shall thereupon notify such delinquent license holder thereof, by registered mail. Each such application for a renewal license shall be accompanied by a filing fee of fifty cents, and by the license fee as prescribed in section 41.

"Sec. 41. Every person, firm, corporation, association or copartnership opening, establishing, operating or maintaining one or more stores or mercantile establishments, within this state, under the same general management, supervision or ownership, shall pay the license fees hereinafter prescribed for the privilege of opening, establishing, operating or maintaining such stores or mercantile establishments. The license fee herein prescribed shall be paid annually, and shall be in addition to the filing fee as prescribed in sections 38 and 40.

The license fees herein prescribed shall be as follows:

- (1) Upon one store, the annual license fee shall be three dollars for each such store;
- (2) Upon two stores or more, but not to exceed five stores, the annual license fee shall be ten dollars for each such additional store;
- (3) Upon each store in excess of five, but not to exceed ten, the annual license fee shall be twenty dollars for each such additional store;
- (4) Upon each store in excess of ten, but not to exceed twenty, the annual license fee shall be thirty dollars for each such additional store;

(5) Upon each store in excess of twenty, the annual license fee shall be one hundred fifty dollars for each such additional store.

"Sec. 42. Each and every license issued prior to the first day of July of any year shall be charged for at the full rate, and each and every license issued on or after the first day of July of any year shall be charged for at one-half of the full rate, as prescribed in section 41.

"Sec. 43. The provisions of this division shall be construed to apply to every person, firm, corporation, copartnership or association, either domestic or foreign, which is controlled or held with others by majority stock ownership or ultimately controlled or directed by one management or association or ultimate management.

"Sec. 44. The term "store" as used in this division shall be construed to mean and include any store or stores or any mercantile establishment or establishments which are owned, operated, maintained or controlled by the same person, firm, corporation, copartnership or association, either domestic or foreign, in which goods, wares or merchandise of any kind are sold, either at retail or wholesale.

"Sec. 45. Any person, firm, corporation, copartnership or association who shall violate any of the provisions of this division shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars, and each and every day that such violation shall continue shall constitute a separate and distinct offense.

"Sec. 46. Any and all expenses incurred by the state board in the administration of this act shall be paid out of the funds accruing from the fees imposed by and collected under the provisions of this division. All money collected under the provisions, less the expenses incurred in the administration of this division, shall be paid into the state treasury, monthly, by the state board, and shall be added to and shall constitute a part of the general fund.

"Sec. 47. The state board is hereby authorized to employ such clerical assistants as may be necessary to carry out and administer the provisions of this division of this act, and to prepare and print such blanks, forms, reports, receipts and any and all other things which may be necessary to provide for the administration of this act, and to pay any and all such expenses so incurred out of the fund collection under the provisions of this act.

"Sec. 48. If any section, provision or clause of this division of the act shall be declared invalid, such invalidity shall not be construed to affect the portions of the act not so held invalid.

"Sec. 49. If any provisions or any section of this division shall be held void, or unconstitutional, all other provisions and all other sections which are not expressly held to be void or unconstitutional shall continue in full force and effect."

G. W. PATTERSON
WM. S. BEARDSLEY
JOHN N. CALHOUN
W. R. RITCHIE

Amend section one (1) of Senate File No. thirty-five (35).

Part 1. By striking from line five (5) thereof the words "one and one-half" and inserting in lieu thereof the following:

"On sums of over one hundred fifty dollars (\$150.00) two and one-half (2½) and on sums not exceeding one hundred fifty dollars (\$150.00) three (3)".

Part 2. Further amend by adding to Senate File No. thirty-five (35) the following:

"Sec. 2. That the law as it appears in Chapter 419, Code, 1931, be and it is hereby amended by adding to said chapter immediately following Section 9434 the following section, to-wit:

9434-a. During the month of January each year, each licensee under this chapter shall make to the licensing official a report containing the following information as to the business transacted by the licensee during the preceding year, as follows:

Class (a) Number of loans not exceeding fifty dollars (\$50.00) and the amounts thereof.

Class (b) Number of loans above fifty dollars (\$50.00) and not exceeding one hundred dollars (\$100) and the amounts thereof.

Class (c) Number of loans above one hundred dollars (\$100.00) and not exceeding one hundred fifty dollars (\$150) and the amounts thereof.

Class (d) Number of loans above one hundred fifty dollars (\$150) and not exceeding two hundred dollars (\$200) and the amounts thereof.

Class (e) Number of loans above two hundred dollars and not exceeding three hundred dollars (\$300) and the amounts thereof.

The annual report to be filed in 1934 shall contain a separate division furnishing the same information covering the year 1932.

Said report shall show the amount of principal repaid in each classification, the total amount of interest paid in each classification.

Part 3. The licensing official shall prescribe such rules and regulations as may be necessary to carry out the provisions of this act and publish the same. He shall also make such recommendations as to rates of interest as he believes would be equitable and just to both borrower and licensee and transmit the same to the governor or to individual members or either branch of the legislature upon request.

LAFE HILL.

Amend House File 105 as follows:

"Amend section five (5), line seven (7) by inserting after the period following the word 'establishments' the following: 'Provided, the provisions of this act shall not apply to any person, firm, corporation, association or copartnership which is the owner either of the land upon which the store or mercantile establishment is being operated and maintained, or of the building in which said business is being operated and maintained, or of the building in which said business is being carried on, nor to any person, firm, corporation, association or copartnership which is operating and maintaining said mercantile establishment on lands under an irrevocable fifty year lease on said land.'"

L. T. SHANGLE.

Amend House File 180 as follows:

Strike out the title and substitute the following: "An Act to repeal chapter one hundred thirty-eight (138), code, 1931."

Further amend House File 180 by striking out all after the enacting clause and inserting as section one (1) the following:

"Section 1. Chapter one hundred thirty-eight (138), code, 1931, is hereby repealed."

L. T. SHANGLE.

On motion of Senator Schmidt the Senate adjourned until 10:00 a. m. Friday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 8, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Edwin L. Spiller, pastor of the Simpson M. E. church, of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring bill for increase in restaurant license fees. Senator Hopkins from restaurant owners of Woodward, Adel and Perry. Senator Valentine from restaurant owners of Centerville. Senator Hush from restaurant owners of Red Oak and Villisca. Cities and towns.

Favoring gross income tax. Senator Reese from voters of Marshall county. Tax revision and reorganization.

Opposing bill relating to farm aid associations and extension work. Senator Booth from board of directors of Cass County Farm Bureau. Agriculture.

Favoring Senate File 58. Senator Bennett from Mondamin Women's Club and Harmony Study Club, Iowa Federation of Women's Clubs. Banks and banking.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Patterson for the day, on request of Senator Beardsley.

INTRODUCTION OF BILLS

Senate File No. 222, by committee on labor, a bill for an act to accept the provisions of the Act of Congress of the United States of America approved June 6, 1933, entitled, "An Act to provide for the establishment of a national employment system and for

cooperation with the states in the promotion of such system, and for other purposes", and making an appropriation therefor.

Read first and second times and referred to committee on appropriations.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled Senate Files 59, 102, 69, Senate Joint Resolution No. 1 and House File 86.

HOMER HUSH, *Chairman Senate Committee.*
WM. KOCH, *Chairman House Committee.*

Report adopted.

SENATE JOINT RESOLUTION SENT TO SECRETARY OF STATE

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 8th day of December, 1933 sent to the Secretary of State's office, Senate Joint Resolution No. 1.

HOMER HUSH, *Chairman.*

BILLS SIGNED BY THE PRESIDENT

The president of the Senate announced that, as president of the Senate, he had signed in the presence of the Senate, Senate Files 59, 102, 69, Senate Joint Resolution No. 1, and House File 86.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 8th day of December, 1933, sent to the governor for his approval, Senate Files 59, 102 and 69.

HOMER HUSH, *Chairman.*

Passed on file.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor stating that on November 28th he had approved the following bill:

Senate Joint Resolution No. 3, a joint resolution amending Senate Joint Resolution No. 2, acts of the forty-fifth general assembly in extraordinary session, fixing the compensation of officers and employees of the forty-fifth general assembly in extraordinary session.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me, as Secretary of the Senate, a proof of publication from The Independence Conservative, Independence, Iowa, relating to Senate File 88, a bill for an act to make permanent the transfer of funds from the secondary road fund of Buchanan county to the poor fund of said county.

BYRON G. ALLEN, *Secretary of the Senate.*

The journal of December 7th was corrected and approved.

HOUSE CONCURRENT RESOLUTION 9 CONSIDERED

Senator Bennett called up for consideration House Concurrent Resolution No. 9, as found on page 272 of the Senate journal, and moved its adoption.

The resolution was unanimously adopted.

SENATE FILE 35 ON CALENDAR

Senator Hill, under rule 35, called Senate File 35 from the committee on banks and banking and placed it on the calendar.

SENATE FILE 13 REREFERRED

By unanimous consent, on request of Senator Schmidt, Senate File 13 was rereferred to the committee on labor, for the purpose of a public hearing.

THIRD READING OF BILLS

The time having arrived for consideration of the special order on Senate File 83, Senator Wilson asked unanimous consent to defer action until 11:00 a. m., at which time it should become a special order.

Consent was granted.

By unanimous consent, on request of Senator Shangle, Senate Files 181, 182, 183 and 184 were taken up and considered.

On motion of Senator Shangle Senate File 181, a bill for an act to amend chapter ninety-nine (99), section one (1), acts of the forty-fifth general assembly, relating to settlement of poor persons, a judiciary No. 2 committee bill, was taken up and considered.

The bill was read for information.

Senator Hush moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Booth	Hush	Miller of	Stanley
Calhoun	Irwin	Jones	Stevens of
Carden	Kimberly	Moore	Decatur
Chrystal	Klemme	Mullaney	Stevens of
Coykendall	Knudson	Nelson	Wapello
Doze	Leo	Pendray	Topping
Fisch	McArthur	Reese	Tripp
Geske	Meyer	Ritchie	Valentine
Harrington	Miller of	Schmidt	Wenner
Hill	Buchanan	Shangle	Wilson

Nays, none.

Absent or not voting, 14.

Anderson	Beatty	Frailey	Husted
Aschenbrenner	Bennett	Hicklin	Patterson
Baldwin	Byers	Hopkins	Roelofs
Beardsley	Elthon		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Shangle Senate File 182, a bill for an act to amend Section seven (7), chapter four (4), acts of the forty-fifth general assembly, relating to the office of state comptroller, a judiciary No. 2 committee bill was taken up and considered.

The bill was read for information.

Senator Shangle moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Baldwin	Chrystal	Geske	Husted
Beardsley	Coykendall	Harrington	Irwin
Booth	Doze	Hill	Kimberly
Calhoun	Elthon	Hopkins	Klemme
Carden	Fisch	Hush	Knudson

Leo	Moore	Schmidt	Tripp
McArthur	Mullaney	Shangle	Valentine
Meyer	Nelson	Stanley	Wenner
Miller of	Pendray	Stevens	Wilson
Buchanan	Reese	Decatur	
Miller of	Ritchie	Stevens of	
Jones		Wapello	

Nays, none.

Absent or not voting, 10.

Anderson	Bennett	Hicklin	Roelofs
Aschenbrenner	Byers	Patterson	Topping
Beatty	Frailey		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Shangle Senate File 183, a bill for an act to amend chapter one hundred three (103), acts of the forty-fifth general assembly, relating to the adoption of a plan of payment with "stamp-notes" by counties, a judiciary No. 2 committee bill, was taken up and considered.

The bill was read for information.

Senator Shangle moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Baldwin	Fisch	Meyer	Schmidt
Beardsley	Geske	Miller of	Shangle
Booth	Hopkins	Buchanan	Stanley
Byers	Hush	Miller of	Stevens of
Calhoun	Husted	Jones	Decatur
Carden	Kimberly	Moore	Stevens of
Chrystal	Klemme	Mullaney	Wapello
Coykendall	Knudson	Nelson	Tripp
Doze	Leo	Pendray	Valentine
Elthon	McArthur	Reese	Wenner
		Ritchie	

Nays, none.

Absent or not voting, 13.

Anderson	Frailey	Hill	Roelofs
Aschenbrenner	Harrington	Irwin	Topping
Beatty	Hicklin	Patterson	Wilson
Bennett			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Shangle Senate File 184, a bill for an act to amend chapter seven (7), section six (6), acts of the forty-fifth general assembly, relating to reports on the auditing of financial records of counties, schools, cities and towns, a judiciary No. 2 committee bill, was taken up and considered.

The bill was read for information.

Senator Shangle moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Aschenbrenner	Geske	Miller of	Stanley
Baldwin	Harrington	Buchanan	Stevens of
Beardsley	Hopkins	Miller of	Decatur
Bennett	Hush	Jones	Stevens of
Booth	Husted	Moore	Wapello
Byers	Kimberly	Mullaney	Topping
Calhoun	Klemme	Nelson	Tripp
Carden	Knudson	Pendray	Valentine
Doze	Leo	Reese	Wenner
Elthon	Meyer	Roelofs	Wilson
Fisch		Shangle	

Nays, none.

Absent or not voting, 12.

Anderson	Coykendall	Hill	Patterson
Beatty	Frailey	Irwin	Ritchie
Chrystal	Hicklin	McArthur	Schmidt

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on request of Senator Reese, House File 49 was taken up and considered.

By unanimous consent, on request of Senator Reese Senate File 8, a companion bill to House File 49, was withdrawn.

On motion of Senator Reese House File 49, a bill for an act to legalize the corporate acts and proceedings of Marshalltown Manufacturing Company of Marshalltown, Iowa, and to provide for the renewal and extension of the period of corporate existence and the adoption of renewal, amended and substituted articles of incorporation of said Marshalltown Manufacturing Company, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Reese moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 41.

Aschenbrenner	Geske	Miller of	Schmidt
Baldwin	Harrington	Buchanan	Shangle
Bennett	Hopkins	Miller of	Stanley
Booth	Hush	Jones	Stevens of
Byers	Husted	Moore	Decatur
Calhoun	Kimberly	Mullaney	Stevens of
Carden	Klemme	Nelson	Wapello
Coykendall	Knudson	Pendray	Topping
Doze	Leo	Reese	Tripp
Elthon	McArthur	Ritchie	Wenner
Fisch	Meyer	Roelofs	Wilson
Frailey			

Nays, none.

Absent or not voting, 9.

Anderson	Chrystal	Hill	Patterson
Beardsley	Hicklin	Irwin	Valentine
Beatty			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on request of Senator Hopkins, Senate File 91 was taken up and considered.

On motion of Senator Hopkins Senate File 91, a bill for an act to repeal section forty-two hundred thirty-one (4231), code 1931, relating to the closing of schools because of lack of attendance, and to enact a substitute therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Aschenbrenner	Doze	Hush	Miller of
Beardsley	Elthon	Husted	Buchanan
Bennett	Fisch	Irwin	Miller of
Booth	Frailey	Kimberly	Jones
Calhoun	Geske	Klemme	Mullaney
Carden	Harrington	Knudson	Pendray
Coykendall	Hopkins	McArthur	Reese

Ritchie
Roelofs
Schmidt
Shangle

Stanley
Stevens of
Decatur

Stevens of
Wapello
Topping

Tripp
Wenner
Wilson

Nays, none.

Absent or not voting, 13.

Anderson
Baldwin
Beatty
Byers

Chrystal
Hicklin
Hill

Leo
Meyer
Moore

Nelson
Patterson
Valentine

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hopkins moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 51, a bill for an act relating to collection of motor vehicle license fees.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 93, a bill for an act relating to registration fees and penalties of motor vehicles.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 94, a bill for an act relating to operator's or chauffeurs' licenses.

Also: That the House has concurred in the Senate Amendment to the following bill in which the concurrence of the House was asked:

House File No. 77, a bill for an act relating to and regulating the advancement of funds to Mutual Insurance Companies other than life.

Also: That the House has refused to concur in the Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 21, a bill for an act relating to the computation of tax rates.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 193, a bill for an act legalizing proceedings of city council of city of Des Moines authorizing issuance of public improvement bonds.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution No. 7, memorializing Congress to control the agricultural surplus, by the purchasing of marginal land by the government of the United States.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE CONCURRENT RESOLUTION NO. 7

Whereas, The agricultural and economic conditions today existing in Iowa and throughout the Nation are such as to make it imperative that immediate action be taken of a fundamental nature looking to the restoration and parity between agriculture and industry, the lessening of the debt burden, and the establishment of an adequate, sound and stable currency system.

Therefore, be it resolved by the House of Representatives of the Forty-fifth General Assembly of Iowa in extraordinary session, the Senate concurring, That we hereby memorialize the President of the United States to cause immediate steps to be taken to control the agricultural surplus, by the purchase by the government of the United States of 40,000,000 acres of land, properly allocated as between cotton, corn and wheat, and as between states and counties so that the same may be removed from production, and be within the permanent control of the United States Government. Such land to be paid for as hereinafter provided.

In the passage of this memorial, we endorse as a temporary emergency measure furnishing partial relief, the plan of the Administration, but we believe that the increased seriousness of conditions demands immediate steps, looking to a basic and permanent plan which will restore the parity and balance between agriculture and industry, and create new values and new equities. The plan here recommended is in harmony with the suggestion of Henry Wallace, now Secretary of Agriculture, in his editorial of June 11, 1932.

Be it further resolved, That we endorse the action of the President of the United States in his efforts to bring about a rise in price levels so that the debtor may pay his debts in money of substantially the same value as when such debts were contracted, and to that end and for the purpose of furnishing the basis for a currency system, adequate and stable as well as sound and in harmony with action taken by all the other leading commercial nations of the world, we urge the President exercise the powers conferred upon him by Congress and immediately cut the content of the gold back of the dollar in two and fix the same at 11.61 grains of pure gold; that a sufficient amount of legal tender non-interest bearing notes be issued against this free gold and put in circulation by purchasing the 40,000,000 acres of land and paying for the Public Works Program, provided by Congress, so that the debt burden may be lessened instead of increased. The amount of new currency to be backed by the amount of reserves as fixed by statute.

We further urge that silver as well as gold be made eligible and compulsory for reserves back of all United States and Federal Reserve legal

tender notes without interest; such notes to be redeemable in gold and/or silver at the option of the government or the Federal Reserve, and the quantity of such silver reserves to be fixed in a sufficient amount to restore and stabilize the price of silver in its proper relation to gold. We suggest a minimum of a 25% reserve in gold bullion at 41.34 per ounce for pure gold, and a minimum of 15% reserves of silver, provided, however, that on and after July 1, 1934, whenever and during such time as silver shall be below the price of 70c per ounce, the minimum reserves of silver back of all United States and Federal Reserve legal tender notes without interest shall be 25%. Silver, however, always to be valued at bullion or gold prices.

May we suggest the serious consideration of this plan. It will furnish the basis for an adequate, sound, and stable currency system as declared for by the President in his inaugural address. It will prevent undue expansion or undue contraction of the currency. It will have all the advantages of the gold standard symmetallism and bi-metallism without the disadvantages of any. It will furnish a single yardstick as a measuring value, namely gold, while restoring the value of, and stabilizing the price of silver, thus promoting trade with the silver producing and silver using countries of the world. It will have a metallic base equal to the requirements of all the leading commercial nations. The use of both gold and silver as primary money, silver to be measured at gold prices is in harmony with the recommendations of the Honorable William Windon, Secretary of the Treasury of the United States under President Harrison.

We further urge that by taxation or otherwise any profit resulting from the increased value of gold over the amount heretofore fixed by statute, of twenty dollars and sixty-seven cents (\$20.67) per ounce, shall inure to the benefit of the United States Government and not to the Federal Reserve Bank or any other bank, or individual, holding gold at the present time.

We favor long-time financing on the amortization plan for farm and home ownership at as low a rate of interest as furnished to industry and finance.

May we respectfully urge, Mr. President, that conditions demand boldness of action and definiteness of plans of a far-reaching and fundamental nature. Agriculture expects and will demand its fair share of the national income and of the wealth which it creates, and the State of Iowa will support you in every move in furtherance of this object.

Be it further resolved, That a copy of this resolution be forwarded to the President of the United States, to the acting Secretary of the Treasury, and to the Secretary of Agriculture; to the Speaker of the House and to the President of the Senate of the United States Congress and to the Iowa delegation in Congress; to the Governors of the several states of the Union, to the Speaker of the House and the President of the Senate of the several state legislatures which are now or will shortly be in session; and to the Presidents of the National Farm Organizations and of our own state farm organizations.

THIRD READING OF BILLS

The time having arrived for consideration of special order set for 11:00 a. m., on motion of Senator Wilson Senate File 83, a bill for an act to repeal Section Seven (7) of Chapter One Hundred Twenty-three (123) enacted by the 45th General Assembly relating to levies to be made by any city or town for fire fund and fire department maintenance, and enacting a substitute therefor, permitting the council of any city or town to levy a millage rate sufficient to raise an amount up to, but not to exceed, amounts raised by the 1930 levy for said funds, with report of committee without recommendation was taken up and considered.

The bill was read for information.

President pro tempore Harold L. Irwin was called to the chair at 11:27 a. m.

Senator Topping offered the following amendment and moved its adoption:

Amend by inserting in section 1 line 1 after the word "town" the words "with population over 45,000".

Senator Reese offered the following amendment to the pending amendment and moved its adoption:

Amend by striking the figures "45,000" and inserting in lieu thereof the figures "17,000".

Senator Shangle moved to adjourn until 2:00 p. m. today.

Senator Shangle withdrew his motion, by unanimous consent.

The amendment to the amendment was lost.

Senator Topping withdrew his amendment, by unanimous consent.

Senator Wilson moved that the reading just had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

.On the question "Shall the bill pass?" the vote was:

Ayes, 24.

Anderson	Geske	Knudson	Mullaney
Baldwin	Hopkins	McArthur	Nelson
Beardsley	Hush	Meyer	Reese
Byers	Irwin	Miller of	Schmidt
Elthon	Kimberly	Buchanan	Stanley
Fisch	Klemme	Moore	Wenner
Frailey			

Nays, 24.

Aschenbrenner	Coykendall	Pendray	Stevens of
Beatty	Doze	Ritchie	Wapello
Bennett	Harrington	Roelofs	Topping
Booth	Hill	Shangle	Tripp
Calhoun	Husted	Stevens of	Valentine
Carden	Leo	Decatur	Wilson
Chrystal	Miller of Jones		

Absent or not voting, 2.

Hicklin Patterson

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which Senate File 83 failed to pass the Senate and by which it passed to its third reading.

GEO. A. WILSON.

Senator Bennett moved to table Senator Wilson's motion to reconsider.

EXPLANATION OF VOTE

MR. PRESIDENT: In explanation of my vote on Senate File 83, I desire to state that I am firmly convinced that the fire departments already have an adequate remedy, under our laws as they now exist, in cases of emergency, by filing an application for relief with the State Comptroller.

D. MYRON TRIPP.

AMENDMENTS FILED

Amend Senate File No. 156 by striking all after the title and inserting in lieu thereof the following:

Whereas, In view of the economic depression which for some time has prevailed and now prevails throughout this state and the nation, numerous past and threatened sacrifices of the ownership of property, because of sales thereof under foreclosure, have created a public emergency in connection with such sales, the evils attendant upon which, under the economic circumstances and conditions now and for some time heretofore existing, are not confined to those persons and dependents of those persons who have sustained or may sustain such sacrifices, but touch the interests of every inhabitant of the state and jeopardize the present and future welfare of the state as a whole; and

Whereas, To meet the emergency in connection with such sales past and threatened, and as far as possible to prevent or retrieve such sacrifices, it is necessary that, the general assembly, acting for the general welfare of the entire people of the state, exercise the police power; now, therefore, in the exercise of said power,

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

"Section 1. From and after the time when this act takes effect, no sheriff's deed of conveyance of any land theretofore sold under execution of judgment of foreclosure of any mortgage shall be made prior to the first day of March, 1935, nor shall any sale of land under foreclosure of mortgage be hereinafter held prior to said date, nor, prior thereto shall a receivership be imposed upon any mortgaged land or any terms or provisions whatsoever be imposed upon any mortgagor by order of any court or judge, as a condition of his retaining possession of mortgaged land, and any existing receivership of mortgaged land is hereby dissolved, but no judgment heretofore rendered or order heretofore made, providing for such receivership, shall be hereby rendered nugatory except so far as such receivership is concerned.

"Sec. 2. This act shall not apply in the case of any mortgage hereafter executed, unless it is a renewal of one executed heretofore, nor shall any given provision of this act apply in any case in which, at any time after due service of original notice in an action for the foreclosure of a real estate mortgage, the mortgagor, if represented by an attorney at law, shall file a statement of waiver of such provision.

"Sec. 3. Any realty trust deed given as security is to all intents and purposes a mortgage within the provisions of this act.

"Sec. 4. All acts and parts of acts in conflict with this act are suspended while this act is in effect. But no past or pending proceeding under any act heretofore passed for the relief of mortgage debtors shall be affected hereby in any manner or particular adverse to any of the interests or advantages of any of such debtors.

"Sec. 5. If this act or any part hereof shall be declared unconstitutional by any court of competent jurisdiction, no act or part thereof which is suspended under section 4 hereof and which is in conflict with this act or said part hereof, shall continue suspended, but shall be and remain in full force and effect the same as if it had never been suspended.

"Sec. 6. If any court of competent jurisdiction shall declare any part of this act unconstitutional, any part or parts hereof, unless also declared unconstitutional, shall be and continue, nevertheless, in full force and effect. If the said court shall declare any part of this act unconstitutional in any certain connection, such part shall nevertheless be and continue in full force and effect in every other connection in which it is not also declared unconstitutional. The word "part", as here used shall mean any word, phrase, clause, sentence, paragraph or section of this act.

"Sec. 7. This act shall be interpreted with the utmost liberality toward mortgagors, according to its spirit and intent, with a view to promoting and conserving the public welfare through the relief of mortgage debtors.

"Sec. 8. If any lower court or any judge thereof shall make or render any judgment or order contravening in any respect any provision of this act, such judgment or order shall be deemed appealable under section 12823 of the Code of 1931.

"Sec. 9. Inasmuch as this act is passed in the exercise of the police power, to meet a public emergency, and is deemed an act of immediate importance, it shall, if it be approved by the governor, be in full force and

effect as soon as it is published in The Fonda Times, a newspaper published at Fonda, Iowa, and the Republic, a newspaper published at Marathon, Iowa.”

W. R. RITCHIE.

Amend House File No. 180 by striking out section eleven (11) thereof.

CLAUDE STANLEY.

On motion of Senator Wilson the Senate adjourned until 10:00 a. m. Saturday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 9, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Percy M. Thomas, pastor of the First Friends Church of Des Moines.

LEAVE OF ABSENCE

By unanimous consent on request of Senator Stanley, all absent Senators were excused for the day.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Opposing proposed bill for regulation of purchase of livestock. Senator Stanley from F. I. Maharry, Leon Hunter and B. F. Wurster of Lenox. Agriculture.

Favoring bill for increase of restaurant license fees. Senator Ritchie from restaurant owners of Storm Lake, Alta and Newell. Senator Leo from restaurant owners of Vinton. Cities and towns.

Opposing repeal of state prohibition laws. Senator Roelofs from voters of Sioux county. Liquor control.

Opposing bill regulating public employment of married women. Senator Hopkins from Business and Professional Women's Club, Adel. Labor.

Favoring replacement taxes to limit tax on real estate. Senator Moore from voters of Pottawattamie county. Tax revision and reorganization.

Opposing Senate File 1 relating to taxation. Senator Byers from voters and officials of Lisbon. Tax revision and reorganization.

INTRODUCTION OF BILLS

Senate File No. 223, by committee on elections, a bill for an act to amend sections nine hundred twenty-seven (927), nine hundred twenty-eight (928), nine hundred thirty-one (931), nine hundred thirty-six (936) and nine hundred forty-three (943), Chapter forty-four (44), code, 1931, as same relates to the qualifications of an absentee voter and the manner and time of obtaining and voting absentee ballots.

Read first and second times and placed on the calendar.

Senate File No. 224, by committee on elections, a bill for an act to amend section seven hundred thirty-eight (738), chapter forty (40), code, 1931, regulating compensation of election boards.

Read first and second times and placed on the calendar.

Senate File No. 225, by committee on elections, a bill for an act to amend sections five hundred forty-two (542), five hundred forty-three (543) and five hundred forty-six (546), chapter thirty-six (36), code, 1931, regulating the circulation, signing and filing of nomination papers.

Read first and second times and placed on the calendar.

HOUSE MESSAGE CONSIDERED

House File No. 193, a bill for an act to legalize and validate proceedings taken by the City Council of the City of Des Moines, Iowa, authorizing and providing for the issuance of bonds for public improvement purposes and making provisions for the levy of taxes to pay said bonds.

Read first and second times.

By unanimous consent, on request of Senator Wilson, House File 193 was substituted on the calendar for Senate File 152, a companion bill.

THIRD READING OF BILLS

By unanimous consent, on request of Senator Wilson, action on Senate File 83 was deferred.

By unanimous consent, on request of Senator Harrington, action on Senate File 28 and House File 24 was deferred.

By unanimous consent, on request of Senator Ritchie, action on Senate File 110 was deferred.

By unanimous consent, on request of Senator Wilson, House File 193, a bill for an act to legalize and validate proceedings taken by the City Council of the City of Des Moines, Iowa, authorizing and providing for the issuance of bonds for public improvement purposes and making provisions for the levy of taxes to pay said bonds, was taken up and considered.

Senator Wilson moved that the rules be suspended, by which no bill may be read the second and third time on the same day. The motion prevailed.

The bill was read for information.

Senator Wilson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 33.

Baldwin	Hill	Miller of	Shangle
Beardsley	Hopkins	Buchanan	Stanley
Byers	Irwin	Miller of Jones	Stevens of
Calhoun	Kimberly	Moore	Decatur
Coykendall	Klemme	Mullaney	Topping
Doze	Knudson	Pendray	Tripp
Elthon	Leo	Ritchie	Valentine
Geske	McArthur	Roelofs	Wilson
Harrington	Meyer	Schmidt	

Nays, none.

Absent or not voting, 17.

Anderson	Carden	Hush	Reese
Aschenbrenner	Chrystal	Husted	Stevens of
Beatty	Fisch	Nelson	Wapello
Bennett	Frailey	Patterson	Wenner
Booth	Hicklin		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on request of Senator Wilson, Senate File 152, a companion bill to the one just passed, was withdrawn.

By unanimous consent, on request of Senator Wilson, House File 193 was messaged to the House immediately.

By unanimous consent, on request of Senator Geske, Senate File 122, a bill for an act to legalize the action of the town council

of the Town of Guttenberg, Clayton County, Iowa, appropriating and using certain moneys from the Electric Light Fund of said town for the relief of unemployment in said town, was called from judiciary No. 1 and taken up and considered.

The bill was read for information.

Senator Geske moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Baldwin	Hill	Meyer	Schmidt
Beardsley	Hopkins	Miller of	Shangle
Byers	Hush	Buchanan	Stanley
Calhoun	Husted	Miller of Jones	Stevens of
Chrystal	Irwin	Moore	Decatur
Coykendall	Kimberly	Mullaney	Topping
Doze	Klemme	Pendray	Tripp
Elthon	Knudson	Reese	Valentine
Geske	Leo	Ritchie	Wilson
Harrington	McArthur	Roelofs	

Nays, none.

Absent or not voting, 13.

Anderson	Booth	Hicklin	Stevens of
Aschenbrenner	Carden	Nelson	Wapello
Beatty	Fisch	Patterson	Wenner
Bennett	Frailey		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Geske moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Geske, Senate File 122 was messaged to the House immediately.

By unanimous consent, on motion of Senator Topping, Senate File 65, a bill for an act to amend Section Six Thousand Six Hundred Six (6606), code, 1931, relating to the power to establish Armory, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Topping offered the following amendments and moved their adoption:

Amend the title by inserting before the word "Armory" the word "an"; also amend by enclosing in parentheses lines 4 to 8 inclusive.

The amendments were adopted.

The bill was read for information.

Senator Topping moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 34.

Baldwin	Hopkins	Meyer	Schmidt
Byers	Hush	Miller of	Shangle
Calhoun	Husted	Buchanan	Stanley
Chrystal	Irwin	Miller of Jones	Stevens of
Coykendall	Kimberly	Moore	Decatur
Doze	Klemme	Mullaney	Topping
Geske	Knudson	Pendray	Tripp
Harrington	Leo	Reese	Valentine
Hill	McArthur	Roelofs	Wilson

Nays, none.

Absent or not voting, 16.

Anderson	Booth	Fraily	Ritchie
Aschenbrenner	Carden	Hicklin	Stevens of
Beardsley	Elthon	Nelson	Wapello
Beatty	Fisch	Patterson	Wenner
Bennett			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Topping moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Topping, Senate File 65 was messaged to the House immediately.

By unanimous consent, on motion of Senator Hill, Senate File 57, a bill for an act to amend the law as it appears in chapter three hundred thirty-two (332), Code, 1931, relating to assessment of moneys and credits and providing for abatement or return of such assessment under certain conditions, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

The following committee amendment was considered:

Amend by striking all after the enacting clause, and inserting in lieu thereof the following:

"Section 1. In any case where a note or notes secured by a real estate mortgage or real estate contract have been assessed to their owner for

any year, and the owner, during the course of that year acquires title to the real estate which was security for the note or notes, the Board of Supervisors shall, on proper showing that the owner of the note or notes secured by real estate mortgage or contract has been or may be compelled to pay the taxes on both the real estate and the note or notes, abate or reduce the assessment on the note or notes and in case the tax has been paid order a refund of same."

The amendment was adopted.

By unanimous consent on request of Senator Hush, his amendment as found on page 253 of the Senate journal, was withdrawn.

Senator Hill moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Baldwin	Hill	Meyer	Schmidt
Beardsley	Hopkins	Miller of	Shangle
Byers	Hush	Buchanan	Stanley
Calhoun	Husted	Miller of Jones	Stevens of
Chrystal	Irwin	Moore	Decatur
Coykendall	Kimberly	Mullaney	Topping
Doze	Klemme	Pendray	Tripp
Elthon	Knudson	Reese	Valentine
Geske	Leo	Ritchie	Wilson
Harrington	McArthur	Roelofs	

Nays, none.

Absent or not voting, 13.

Anderson	Booth	Hicklin	Stevens of
Aschenbrenner	Carden	Nelson	Wapello
Beatty	Fisch	Patterson	Wenner
Bennett	Frailley		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hill moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Miller of Buchanan Senate File 63, a bill for an act to amend sections four hundred eighty-four (484) and four hundred ninety-two (492) of the code, 1931, relating to memorial buildings and monuments, petitions and qualifications, and method of appointing commissioners, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Miller of Buchanan moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 32.

Baldwin	Hush	Meyer	Ritchie
Beardsley	Husted	Miller of	Roelofs
Byers	Irwin	Buchanan	Schmidt
Calhoun	Kimberly	Miller of Jones	Shangle
Coykendall	Klemme	Moore	Stanley
Doze	Knudson	Mullaney	Topping
Geske	Leo	Pendray	Tripp
Hill	McArthur	Reese	Valentine
Hopkins			

Nays, none.

Absent or not voting, 18.

Anderson	Carden	Harrington	Stevens of
Aschenbrenner	Chrystal	Hicklin	Wapello
Beatty	Elthon	Nelson	Wenner
Bennett	Fisch	Patterson	Wilson
Booth	Frailey	Stevens of	
		Decatur	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Miller of Buchanan moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Miller of Buchanan, Senate File 63 was messaged to the House immediately.

By unanimous consent, on motion of Senator Byers, Senate File 221, a bill for an act to amend section forty-nine hundred thirty-one (4931), Code, 1931, as enacted by chapter eighty (80), Acts Forty-fifth (45th) General Assembly, relating to surrendering license plates on motor vehicles, a motor vehicles committee bill, was taken up and considered.

The bill was read for information.

Senator Byers moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Baldwin	Calhoun	Doze	Harrington
Beardsley	Chrystal	Elthon	Hill
Byers	Coykendall	Geske	Hopkins

Hush	Meyer	Reese	Stevens of
Irwin	Miller of	Ritchie	Decatur
Kimberly	Buchanan	Roelofs	Topping
Klemme	Miller of Jones	Schmidt	Tripp
Knudson	Moore	Shangle	Valentine
Leo	Mullaney	Stanley	Wilson
McArthur	Pendray		

Nays, none.

Absent or not voting, 14.

Anderson	Booth	Hicklin	Stevens of
Aschenbrenner	Carden	Husted	Wapello
Beatty	Fisch	Nelson	Wenner
Bennett	Frailey	Patterson	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Byers moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Byers, Senate File 221 was messaged to the House immediately.

SENATE FILE 60 ON THE CALENDAR

Senator Miller of Buchanan invoked rule 35, and placed Senate File 60 on the calendar.

THIRD READING OF BILLS

On motion of Senator Reese Senate File 40, a bill for an act to amend Section eleven thousand seven hundred sixty (11760) Code of Iowa, 1931, providing for the addition of radio receiving set and automobile or truck to general exemptions, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

The following committee amendments were considered:

1. Strike section two (2) of said bill.
2. Add after the word "set" in the fifth line of Section one (1) the following words: "kept and used in the home and not used for business or commercial purposes".

The amendments were adopted.

Senator Elthon moved that the vote by which the committee amendment was adopted, be reconsidered.

The motion was lost.

By unanimous consent, on request of Senator Reese, his amendment as found on page 253 of the Senate journal was withdrawn.

Senator Stanley offered the following amendment and moved its adoption:

Amend by striking therefrom all of section three (3).

The amendment was adopted.

Senator Hush offered the following amendment and moved its adoption:

Amend the title by striking from lines 2 and 3 the words "and automobile or truck".

The amendment was adopted.

Senator Reese moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 35.

Baldwin	Hopkins	Meyer	Schmidt
Beardsley	Hush	Miller of	Shangle
Byers	Husted	Buchanan	Stanley
Calhoun	Irwin	Miller of Jones	Stevens of
Chrystal	Kimberly	Moore	Decatur
Coykendall	Klemme	Mullaney	Topping
Doze	Knudson	Pendray	Tripp
Elthon	Leo	Reese	Valentine
Harrington	McArthur	Roelofs	Wilson
Hill			

Nays, none.

Absent or not voting, 15.

Anderson	Booth	Geske	Ritchie
Aschenbrenner	Carden	Hicklin	Stevens of
Beatty	Fisch	Nelson	Wapello
Bennett	Frailey	Patterson	Wenner

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Klemme Senate File 115, a bill for an act to amend sections fifty-eight hundred seventy-five (5875) and sixty-two hundred nine (6209), Code, 1931, relating to cities which control their own tax levies for bridge purposes, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hush offered the following amendment and moved its adoption:

Amend section 1 by adding after the word "line" in line 3 the following: "as it appears the second time".

The amendment was adopted.

The bill was read for information.

Senator Klemme moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 33.

Beardsley	Hopkins	Miller of	Shangle
Calhoun	Hush	Buchanan	Stanley
Chrystal	Husted	Miller of Jones	Stevens of
Coykendall	Irwin	Moore	Decatur
Doze	Kimberly	Mullaney	Topping
Elthon	Klemme	Patterson	Tripp
Fisch	Leo	Pendray	Valentine
Harrington	McArthur	Reese	Wilson
Hill	Meyer	Schmidt	

Nays, none.

Absent or not voting, 17.

Anderson	Booth	Hicklin	Roelofs
Aschenbrenner	Byers	Knudson	Stevens of
Baldwin	Carden	Nelson	Wapello
Beatty	Frailey	Ritchie	Wenner
Bennett	Geske		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Klemme moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Klemme, Senate File 115 was messaged to the House immediately.

COPIES SENATE FILES 173, 207 AND 135 ORDERED

By unanimous consent, on request of Senator Schmidt, 600 extra copies of Senate File 173 were ordered printed.

By unanimous consent on request of Senator McArthur, 600 extra copies of Senate File 207 were ordered printed.

By unanimous consent, on request of Senator Mullaney 1200 extra copies of Senate File 135 were ordered printed.

Senator Calhoun moved that when the Senate adjourns it be to reconvene at 10:00 a. m. Monday December 11th.

The motion prevailed.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled House File 77.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

Senator Hopkins from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled Senate Files 51, 93 and 94.

GEO. M. HOPKINS, *Acting Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The president of the Senate announced that, as president of the Senate, he had signed in the presence of the Senate, House File 77, and Senate Files 51, 93 and 94.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 9th day of December, 1933, sent to the governor for his approval Senate Files 51, 93 and 94.

HOMER HUSH, *Chairman.*

Passed on file.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 111, a bill for an act relating to warrants drawn on public treasuries and not paid for want of funds.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 83, a bill for an act to extend the time in which answer may be made by defendant in real estate foreclosure actions and the provisions thereof.

Also: That the House passed the following bill in which the concurrence of the Senate is asked:

House File No. 160, a bill for an act relating to motor vehicle license fees.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE MESSAGES CONSIDERED

House File No. 83, a bill for an act to extend the time in which answer may be made by defendant in real estate foreclosure actions; to provide for the prevention of undue waste of property under foreclosure, and to provide for the application of income from real estate in foreclosure actions; to suspend the operation and effectiveness of all laws in conflict herewith; and to provide for the termination of the period during which this act shall be in effect.

Read first and second times and referred to committee on emergency legislation.

House File No. 160, a bill for an act to amend Section Forty-nine Hundred Nine (4909), Code, 1931, and to repeal Section Forty-nine Hundred Ten (4910), Code, 1931, as amended by Chapter Seventy-seven (77), Section One (1), Acts of the Forty-fifth (45th) General Assembly, and enacting a substitute therefor, relating to motor vehicle license fees.

Read first and second times and referred to committee on motor vehicles.

On motion of Senator Stanley the Senate recessed until the fall of the gavel.

The Senate reconvened at the sound of the gavel.

The journal of December 8th was corrected and approved.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled House File 193.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The president of the Senate announced that, as president of the Senate, he had signed in the presence of the Senate, House File 193.

REPORTS OF COMMITTEES

Senator Topping submitted the following reports:

MR. PRESIDENT: Your committee on manufacturing, commerce and trade to which was referred Senate File 168, a bill for an act to amend the law having reference to the preferring of domestic materials, products and supplies as it appears in Sections eleven hundred seventy-one-b one (1171-b1), and eleven hundred seventy-one-b two (1171-b2), Code, 1931, and requiring a preference for products and provisions grown in Iowa, begs leave to report it has had the same under consideration and recommends the same do pass.

CLYDE H. TOPPING, *Chairman.*

Ordered passed on file.

Also:

Your committee on manufacturing, commerce and trade to which was referred Senate File 48, a bill for an act to prohibit the sale in Iowa of all prison made goods produced by convict labor, and to provide a penalty for the violation thereof, begs leave to report it has had the same under consideration and recommends the same do pass.

CLYDE H. TOPPING, *Chairman.*

Ordered passed on file.

Senator Stevens of Decatur submitted the following report:

MR. PRESIDENT: Your committee on mines and mining to which was referred Senate File 66, a bill for an act to amend section eleven hundred seventy-one-b1 (1171-b1), of the Code, 1931, relating to preference for coal and other domestic products, materials, supplies, provisions and other articles, and providing for the purchase and use thereof by the state and certain municipal corporations or political subdivisions thereof, and providing penalties for failing to give such preference in the purchase and use of domestic coal for fuel, begs leave to report it has had the same under consideration and recommends the same do pass.

FRANK M. STEVENS, *Chairman.*

Ordered passed on file.

Senator Moore submitted the following report:

MR. PRESIDENT: Your committee on public health, to which was re-

ferred Senate File 81, a bill for an act to amend chapter 199, Code, 1931, by inserting after section 4018 a new section to be known as 4018-f; to amend sections 4025, 4026, 4028; and to repeal sections 4010, 4012, 4016, 4017, and 4021, Code, 1931, and to enact substitutes therefor, relating to treatment of indigent persons, begs leave to report it has had the same under consideration and recommends the same do pass.

M. MOORE, *Chairman*.

Ordered passed on file.

Senator Irwin submitted the following report:

MR. PRESIDENT: Your committee on banks and banking to which was referred Senate File 15, a bill for an act to amend section ninety-two hundred seventeen-c one (9217-c1), Code, 1931, as amended by chapter one hundred sixty-one (161) of the Acts of the forty-fifth general assembly, relating to the minimum capitalization of state and savings banks and trust companies, begs leave to report it has had the same under consideration and recommends the same do pass.

H. L. IRWIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on banks and banking to which was referred Senate File 32, a bill for an act to amend section ninety-four hundred twenty (9420) of chapter four hundred nineteen (419) of the Code of Iowa, 1931, relating to rate of interest on chattel loans not exceeding \$300, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

H. L. IRWIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on banks and banking to which was referred House File 40, a bill for an act to define, license, supervise, and regulate the business of making loans in the amount of \$300 or less, and to repeal Chapter 419, Code, 1931, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

H. L. IRWIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on banks and banking to which was referred Senate File 58, a bill for an act to define, license, supervise, and regulate the business of making loans in the amount or of the value of three hundred dollars (\$300) or less at a greater rate of interest or charge if not licensed hereunder; and to repeal chapter four hundred nineteen (419) of the code 1931, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

H. L. IRWIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on banks and banking to which was referred Senate File 153, a bill for an act to authorize and provide a method for the discontinuance of the "Stamp-Note Plan" as authorized by Section 103, Laws of the 45th G. A., and to authorize the retirement and redemption by counties that have adopted the Stamp-Note Plan, of stamp-notes issued in the name of the county, begs leave to report it has had the same under consideration and recommends the same do pass.

H. L. IRWIN, *Chairman.*

Ordered passed on file.

Also:

Your committee on banks and banking to which was referred Senate File 157, a bill for an act in reference to private banks and their examination and regulation by the superintendent of banks, begs leave to report it has had the same under consideration and recommends the same do pass.

H. L. IRWIN, *Chairman.*

Ordered passed on file.

Also:

Your committee on banks and banking to which was referred Senate File 202, a bill for an act to legalize all depositors agreements heretofore entered into covering deposits of public moneys in any banking institution and providing for participation in the State Sinking Fund for public deposits, begs leave to report it has had the same under consideration and recommends the same do pass.

H. L. IRWIN, *Chairman.*

Ordered passed on file.

Senator Ritchie submitted the following report:

MR. PRESIDENT: Your committee on agriculture, to which was referred Senate File 36, a bill for an act to impose a tax on retail sales of industrial alcohol manufactured from black strap molasses; to provide for accounting for such sales and collecting said tax, and for allocating funds derived therefrom, begs leave to report that it has had the same under consideration and recommends the same be amended as follows; and when so amended, the bill do pass:

1. Amend the bill by striking all of section three (3) and substituting in lieu thereof the following:

"Sec. 3. On or before the twentieth day of each calendar month, each and every retailer of industrial alcohol shall file in the office of the treasurer of state, at Des Moines, Iowa, a duly acknowledged report on forms prescribed and furnished by the said treasurer, showing the number of gallons sold by said retailer during the preceding calendar month and the number of gallons of industrial alcohol, manufactured from black strap molasses, sold by said retailer in said preceding calendar month. If no sales are made for the preceding calendar month, a report shall be made to that effect on the forms prescribed herein, and if any tax is due said retailer shall remit to the treasurer the amount of the tax due. If any retailer of industrial alcohol shall fail to remit to the treas-

urer of the state the amount of tax due on the date as shown by his report, a penalty of ten per cent of the amount thereof shall immediately accrue and become due and payable."

2. Further amend said bill by striking all of section four (4) after the word "the" in line two (2) of said section and inserting in lieu thereof "general fund of the state of Iowa." W. R. RITCHIE, *Chairman*.

Ordered passed on file.

AMENDMENTS FILED

Amend Senate File 1 as follows:

Insert after the word "for" in line 15 of Section 38, the words "processing, or for".
JOHN K. VALENTINE.

Amend Senate File 209 by inserting after the word "associations" in line 1 of sec. 5, the following:

" , except fraternal beneficiary societies, orders and associations,".

JOHN N. CALHOUN.

Amend Senate File 33 by adding to Subsection (a) of Sec. 48, the following:

"fraternal beneficiary societies, orders and associations;".

JOHN N. CALHOUN.

On motion of Senator Stanley the Senate adjourned, the time having been set previously for 10:00 a. m. Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 11, 1933.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. Theodore Bauer, pastor of the Easton M. E. Church, of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring proposed increase in restaurant license fees. Senator Meyer from restaurant owners of Waverly. Senator Fisch from restaurant owners of Le Mars, Remsen and Merrill. Senator Roelofs from restaurant owners of Sibley and Ocheyedan. Cities and towns.

Opposing retail sales tax and favoring gross income tax. Senator Carden from merchants of Washington. Opposing sales tax. Senator Schmidt from merchants of Marengo. Favoring gross income tax. Senator Ritchie from voters of Dickinson County. Tax revision and reorganization.

Opposing proposed bill to regulate purchase of livestock. Senator Meyer from voters of Butler County. Agriculture.

Opposing proposed bill to regulate packing plants. Senator Aschenbrenner from citizens of Lovilia and Albia. Emergency legislation.

Favoring Senate File 140 relating to criminal fees of police judges. Senator Aschenbrenner from citizens of Melrose. Judiciary No. 2.

Favoring bill eliminating sale of prison made products. Senator Wenner from citizens of Cedar Falls. Labor.

Favoring passage of bill relating to employment of married

women. Senator Reese from citizens of Mason City, Clear Lake and Carroll. Labor.

RESIGNATION OF CLERK

I hereby tender my resignation as clerk to Byron G. Allen, Secretary of the Senate, to take effect immediately.

MARY BALES.

The resignation was accepted.

REPORT OF COMMITTEE ON CLERKS

MR. PRESIDENT: Your committee on clerks has assigned A. H. Malcolm as clerk to Byron G. Allen, Secretary of the Senate.

LAFE HILL, *Chairman.*

M. MOORE.

CHRIS REESE.

By unanimous consent on request of Senator Hill, the report was taken up and considered.

The report was adopted.

PROOFS OF PUBLICATION

I hereby certify that there has been filed with me, as Secretary of the Senate, a proof of publication from The Evening Democrat, Fort Madison, Iowa, relating to House File 8, a bill for an act to legalize action of the Board of Supervisors of Lee County, Iowa, in making expenditures from the Lee County Insane Fund for the purpose of paying the expenses and maintenance of the Lee County Home.

Also: A proof of publication from the Marcus News, Marcus, Iowa, relating to House File 75, a bill for an act to make permanent a temporary transfer made June 12, 1933, by authority of the Director of the Budget for Iowa, of twenty-five thousand dollars (\$25,000.00) from the maintenance fund of Cherokee County, Iowa to the poor fund of said county.

Also: A proof of publication from the Grand Junction Globe, Grand Junction, Iowa, relating to House File 89, a bill for an act to legalize the proceedings relating to an election held in the Town of Grand Junction, Greene County, Iowa, on the proposition of establishing a municipal electric light plant within said town.

BYRON G. ALLEN, *Secretary of the Senate.*

Senator Harrington moved that the committee reports on Senate Files 32 and 58 and House File 40, all for indefinite postponement, be adopted.

Senator Shangle raised the point of order that consideration

of this subject matter is out of order, as the bills are at the foot of the calendar.

President N. G. Kraschel took the chair at 10:32 a. m.

The president held that the motion was out of order.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 75, a bill for an act making permanent a temporary transfer of funds in Cherokee County, Iowa.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 8, a bill for an act legalizing transfer of funds in Lee County.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 84, a bill for an act to make permanent the transfer of county funds in Humboldt county.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 89, a bill for an act to legalize election proceedings in Grand Junction, Iowa, on the proposition of establishing a municipal electric light plant within said town. VIRGIL LEKIN, *Chief Clerk.*

HOUSE MESSAGES CONSIDERED

House File No. 8, a bill for an act to legalize action of the Board of Supervisors of Lee County, Iowa, in making expenditures from the Lee County Insane Fund for the purpose of paying the expenses and maintenance of the Lee County Home.

Read first and second times and referred to committee on judiciary No. 2.

House File No. 75, a bill for an act to make permanent a temporary transfer made June 12, 1933, by authority of the Director of the Budget for Iowa, of twenty-five thousand dollars (\$25,000.00) from the maintenance fund of Cherokee County, Iowa, to the poor fund of said county.

Read first and second times and referred to committee on judiciary No. 2.

House File No. 84, a bill for an act to make permanent the transfers of County Funds in Humboldt County to the Poor Fund from the Bovine Tubercular Eradication Fund, where said transfers were originally made with the approval of the Director of the Budget, June 25, 1932, and November 19, 1932.

Read first and second times and referred to committee on judiciary No. 2.

House File No. 89, a bill for an act to legalize the proceedings relating to an election held in the Town of Grand Junction, Greene County, Iowa, on the proposition of establishing a municipal electric light plant within said town; and to legalize the proceedings taken by the Council of said town in letting a contract for the construction of said municipal electric light plant, under Sections 6134-d1 to 6134-d7, inclusive, of the Code of Iowa; and to legalize the contract entered into between said Town of Grand Junction, Iowa, and Fairbanks, Morse & Company for the construction of said municipal electric light plant, and the issuance of pledge-orders in payment thereof; and declaring said contract, and the pledge-orders issued thereunder, as valid.

Read first and second times and referred to committee on judiciary No. 2.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, House Files 49 and 111.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The president of the Senate announced that, as president of the Senate, he had signed in the presence of the Senate, House Files 49 and 111.

SENATE FILE 1 CONSIDERED

The time arrived for the consideration of Senate File 1, a special order.

Senator Byers moved that the Senate go into a committee of the whole for the purpose of considering Senate File 1; that Senate File 209 be withdrawn from the committee on tax revision and reorganization to the committee of the whole; that House members, committee clerks and the press be allowed on the floor; that the public be allowed to occupy the galleries; and that a record of the proceedings be kept and printed in the journal.

Senator Hush moved the previous question.

Senator Hush withdrew his motion, by unanimous consent.

Senator Beatty as a substitute moved that the Senate go into a committee of the whole to discuss the tax revision bills and that the public be not excluded.

Senator Harrington raised the point of order that it takes a majority vote to reconsider.

The president held the point of order not well taken as there was no reconsideration before the Senate but that a vote to change the order of business required a two-thirds majority.

The substitution was made.

Senator Calhoun moved to amend the motion by adding the following:

"and that the proceedings of the committee of the whole be made a matter of record and printed in the Journal."

The amendment was adopted. The substitute motion as amended was adopted.

The Senate resolved itself into a committee of the whole.

COMMITTEE OF THE WHOLE

Senator Valentine moved that President N. G. Kraschel be selected to preside over the committee of the whole as chairman.

The motion prevailed.

Senator Beatty moved that the committee of the whole take up the different bills and allow the authors to explain them before any amendments are considered; that Senate File 1 be considered first.

The motion prevailed.

Senator Valentine, co-author of Senate File 1, explained the bill.

Senator Shangle moved to recess until 1:30 p. m. today.

The motion prevailed.

The committee of the whole reconvened at the sound of the gavel.

Senator Harrington moved that the chairman appoint a chairman pro tempore to preside in his absence.

The motion prevailed and the chairman appointed Senator Irwin.

Senator Wilson moved to arise as a committee of the whole.

The motion prevailed, and the Senate arose from a committee of the whole and resumed regular session.

By unanimous consent, on request of Senator Wilson, order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 226, by committee on highways, a bill for an act to enable the State of Iowa to secure the benefit of funds allotted to this State by the Federal Government for street and highway work, to authorize the state highway commission to cooperate with the Federal Government in the expenditure of such funds, and to provide a means for making prompt payment on such work.

Read first and second times and placed on the calendar.

SENATE FILES 223, 224, 225 AND 42 REREFERRED

Senator Wenner moved that Senate Files 223, 224 and 225 be rereferred to the committee on elections.

The motion prevailed.

Senator Frailey moved that Senate File 42 be rereferred to the committee on appropriations.

The motion prevailed.

The journal of December 9th was corrected and approved.

AMENDMENTS FILED

Amend Senate File 1 by inserting after the word "associations" in line six (6), section thirty (30) the following:

"domestic corporations operating under the provisions of Chapter 392 of the Code, 1931." GEO. A. WILSON.

Amend Senate File 1 by striking from Section 27 the second line thereof, and by substituting for the line so stricken, the following:

"upon appeal of any taxpayer". FRANK C. BYERS.

Amend Senate File 1 by striking from Section 33, from the thirteenth (13th) line thereof, the words "permit or". FRANK C. BYERS.

Amend Senate File 1, Section five (5) by striking out of lines fifteen (15) and sixteen (16) the words "and on all taxable income in excess of five thousand dollars, five per cent (5%)" and insert in lieu thereof the following:

"on the sixth thousand dollars of taxable income, or any part thereof, six per cent (6%), and on the seventh thousand dollars, or any part thereof, seven per cent (7%), and on the eighth thousand dollars of taxable income, or any part thereof, eight per cent (8%), and on taxable income in excess of eight thousand dollars, ten per cent (10%)."

L. T. SHANGLE.

Amend Senate File 1, section forty (40), by adding as sub-division (e) the following:

"(e) The gross receipts from the sales of fluid milk, cream, and their fluid products, when delivered regularly to consumers on a milk route served by the vendor." GEO. A. WILSON.

Amend Senate File 1 as follows:

Amend sub-section two (2) of section eight (8) by inserting after the word "wages" in line thirty-two (32) thereof "pensions". Also amend said sub-section by striking the word "or" after the word "officials" in line thirty-three (33) thereof and inserting a comma (,) in lieu thereof. Also amend line thirty-three (33) in said sub-section by inserting after the word "employees" the words "or veterans". CLAUDE STANLEY.

Amend Senate File 43 by striking all of the last paragraph thereof and in lieu thereof substituting the following:

"5. If the employment is so irregular, intermittent or seasonal in character that none of the foregoing methods of computation can reasonably and fairly be applied, then the average weekly earnings shall be ascertained by dividing the total earnings the injured workman received during the year next preceding the injury, from the employer for whom he was working at the time of injury, by the number of calendar weeks in which he performed work for said employer during said year. In making such computation absence from work for seven consecutive calendar days, though not in the same calendar week, shall be considered as a calendar week in which the employee performed no work for said employer. If such employee has been employed in said employment for a less period than two calendar weeks at the time of injury, then his average weekly earnings shall be considered to be equivalent to the average

weekly wage prevailing in the same or neighboring employments of the same grade as or most similar to the injured employee's employment."

CLAUDE STANLEY.

Amend Senate File 101 by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. A hatchery shall mean any establishment, building or structure equipped, used, advertised as, or held out to the public as a place for the purpose of hatching baby chicks and/or the young of other avian species, for sale, or for engaging in custom hatching; the proprietor, owner, or owners of which shall hatch 10,000 or more baby chicks and/or the young of other avian species in any calendar year.

"Sec. 2. No person operating a hatchery shall offer for sale, ship or barter, baby chicks, or young of other avian species, knowing the same to have any infectious or contagious disease.

"Sec. 3. Any person who violates any of the provisions of this act shall be punished by a fine of not less than \$25.00 nor more than \$100.00, or be imprisoned in the county jail for not more than 30 days."

Further amend by striking all of the title and inserting in lieu thereof the following:

"An Act to define the term 'hatchery'; to define the offense of selling, by the operator of a hatchery, baby chicks or the young of other avian species, knowing the same to have any infectious or contagious disease, and to provide a penalty for a violation thereof." EDW. J. WENNER.

Amend Senate File 125 as follows:

By inserting after the word "taxes" in line 16 of section 1 the phrase "due and delinquent thereon which has been sold for taxes".

H. C. BALDWIN.

Amend Senate File 209 by adding the following after the word "state" in line 21 of Section 1:

"However, all religious, educational, and charitable organizations are to be fully exempt from all taxation resulting from the operation of this

GEO. M. HOPKINS.

On motion of Senator Schmidt the Senate adjourned until 10:00 a. m. Tuesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 12, 1933.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. Father P. N. McDermott of the S. S. Peter and Paul Church of Atlantic.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring proposed increase in restaurant license fees. Senator Roelofs from citizens of Sanborn, Primghar, Sheldon, Hartley and Paullina. Senator Kimberly from restaurant owners of Davenport. Cities and towns.

Favoring gross income tax. Senator Stevens of Decatur from citizens of Creston. Tax revision and reorganization.

Opposing tax on insurance. Senator Wenner from Division 114, Brotherhood of Locomotive Engineers and Division 67 of Railroad Conductors, both of Waterloo, Brotherhood of Locomotive Firemen and Enginemen of Des Moines. Senator Stevens of Wapello from Brotherhood of Locomotive Engineers, Ottumwa and Eldon. Tax revision and reorganization.

Opposing branch banking bill. Senator Booth from Cumberland Savings Bank, Cumberland, and Whitney Loan and Trust Company and Atlantic State Bank, both of Atlantic. Banks and banking.

Opposing retail sales tax. Senator Wenner from Waterloo Chamber of Commerce. Tax revision and reorganization.

Opposing proposed bill regulating purchase of livestock. Senator Stevens of Wapello from citizens of Ottumwa. Agriculture.

Favoring bill eliminating sale of prison made products. Senator Wenner from citizens of Waterloo. Labor.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 76, a bill for an act relating to costs of contesting elections of county officers and elections for seats in the General Assembly.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 18, a bill for an act relative to motor vehicles and the operation thereof.

Also: That the House has refused to concur in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 17, a bill for an act relating to the lien of poll taxes and of taxes on personal property. VIRGIL LEKIN, *Chief Clerk*.

CONSIDERATION OF SENATE FILE 1 RESUMED

The time arrived for consideration of Senate File 1, a special order.

Senator Valentine moved that the Senate go into a committee of the whole to discuss tax revision bills and that the public be not excluded.

The motion prevailed and the Senate resolved itself into a committee of the whole.

COMMITTEE OF THE WHOLE

Senator Valentine moved that Senator Irwin be selected to preside over the committee of the whole as chairman.

The motion prevailed.

By unanimous consent, on request of Senator Nelson, Mr. Francis Johnson was given permission to explain House File 131 when the same was up for discussion, and to answer any questions propounded.

Senator Irwin appointed President L. G. Kraschel as temporary chairman at 10:30 a. m.

Senator Valentine moved that the committee of the whole proceed with the discussion of the gross income tax bill.

The motion prevailed and Senator Harrington explained Senate File 209.

On motion of Senator Elthon the committee of the whole recessed until 1:30 p. m. today.

AFTERNOON SESSION

The committee of the whole reconvened, Senator Irwin, chairman, presiding.

Senator Harrington asked unanimous consent to allow Mr. Clarence Knutson of Clear Lake, to discuss further the gross income tax.

Objection was raised.

Senator Harrington moved that Mr. Clarence Knutson, former member of the House, be allowed to discuss further the gross income tax.

The motion prevailed.

By unanimous consent, on request of Senator Kimberly, Lieutenant Governor N. G. Kraschel spoke before the committee of the whole on the tax question.

Senator Shangle moved that the committee of the whole arise.

The motion prevailed, and the Senate resumed regular session.

HOUSE MESSAGES CONSIDERED.

House File No. 18, a bill for an act so to amend and revise the statutes relative to motor vehicles and the operation thereof as to eliminate therefrom obsolete matter, duplications, inconsistencies and contradictions, to supply manifest omissions, to change the classification of motor vehicles, and to this end to amend sections forty-eight hundred sixty-three (4863) and thirteen thousand ninety-two-d one (13092-d1), and to repeal sections forty-nine hundred twenty-two (4922), five thousand twenty-seven-d one (5027-d1), and five thousand twenty-seven-d two (5027-d2), all of the Code, 1931, and all relating to motor vehicles.

Read first and second times and referred to committee on motor vehicles.

House File No. 76, a bill for an act to amend Chapter forty-nine (49), Code, 1931, and to repeal section ten hundred forty-three (1043), Code, 1931, and to enact a substitute therefor, relating to the filing of bonds and payment of costs in contesting elections.

Read first and second time and referred to committee on elections.

The journal of December 11th was corrected and approved.

SENATE CONCURRENT RESOLUTION 3

Whereas, Fred Ballard was injured on the 11th day of May, 1931, while in the employ of the custodian of the buildings and grounds of the State House at Des Moines, Iowa, said injury having been received while moving a coal crusher and consisting of multiple fractures of the left leg; and

Whereas, Said Fred Ballard has been unable, since said accident, to pursue the same method of earning a livelihood as he had pursued prior to that time, or any other means of gaining a livelihood; now, therefore,

Be It Resolved by the Senate, the House Concurring, That the executive council be urged to employ Fred Ballard for the State of Iowa in some capacity for which he is physically fitted.

W. R. RITCHIE

D. W. KIMBERLY

VINCENT F. HARRINGTON.

Passed on file.

SENATE CONCURRENT RESOLUTION NO. 4

Be It Resolved by the Senate, the House Concurring, That when adjournment is had on Friday, December 22nd, 1933, it be to reconvene on Tuesday, December 26th, 1933, at 1 P. M. PAUL W. SCHMIDT.

Passed on file.

AMENDMENTS FILED

Amend Senate File 1 by striking from section five (5) all of sub-sections "(a)", "(b)", "(c)", "(d)", and by striking the letter "(e)" from line 14.

M. MOORE,

VINCENT F. HARRINGTON.

Amend Senate File 1 as follows:

Amend sub-section four (4) of section nine (9), Division (II), as follows: In line one of said sub-section four (4), same being line twenty-five (25) of section nine (9), strike the word "Debts" and insert in lieu thereof the word "Credits".

L. T. SHANGLE.

Amend Senate File 1 by adding an additional sub-division to Section 9, to be known as sub-division 6, and renumbering the remaining sub-divisions.

"6. If for any taxable year beginning after December 31, 1933, it appears on the production of evidence satisfactory to the board that any taxpayer has sustained a net loss, the amount thereof shall be deducted from the net income of the taxpayer for the succeeding year; and if such net loss is in excess of the net income for such succeeding tax year, the amount of such excess shall be used as a reduction in computing the net income for the next two succeeding tax years, the deduction in all cases to be made under regulations prescribed by the board."

ROY E. STEVENS.

Amend Senate File 1, Division two (II) as follows: Strike out all of Section twelve (12).

Amend Section thirteen (13) as follows: After the word "every" in line one (1) insert the words "self-supporting". Also strike out lines two (2), three (3), four (4), five (5) and all of line six (6) preceding the word "shall". Further amend by inserting after the comma after the word "oath" in line seven (7) "except as provided in paragraph two (2) thereof."

Amend Section thirteen (13) by striking out all of paragraph two (2) and inserting in lieu thereof the following:

"Paragraph 2. A husband and wife living together may make separate returns or may make a joint return."

Further amend Section thirteen (13) by striking out all of paragraph four (4) thereof.

Amend Section fourteen (14) as follows: Change the comma after the word "acts" in line five (5) of paragraph one (1) to a period and strike out the remainder of said paragraph one (1).

L. T. SHANGLE,
FRANK C. BYERS.

Amend Senate File 1, by inserting the following as section 24 and renumbering the remaining sections;

"Sec. 24. Jeopardy Assessments.

1. If the Board believes that the assessment or collection of taxes will be jeopardized by delay, the Board may immediately make an assessment of the estimated amount of tax due, together with all interest, additional amounts or penalties, as provided by law, and demand payment thereof from the taxpayer. If such payment is not made, a distress warrant may be issued or a lien filed against such tax payer immediately.

The Board shall be permitted to accept a bond from the taxpayer to satisfy collection until the amount of tax legally due shall be determined. Such bond to be in an amount deemed necessary, but not more than double the amount of the tax involved, and with sureties suitable to the Board."

ROY E. STEVENS.

Amend Senate File 1, by striking from line two (2) of section 26 the words "for revision of the" and substituting the words "from any".

Also by substituting the word "two" for the word "one" as it appears in line three (3) thereof.

Also by striking line seven (7) thereof and by substituting for the line so stricken, the following:

"is void, excessive, incorrect, or otherwise improperly levied, it shall revise the same according".

J. R. FRAILEY.

Amend Senate File 1 by striking out sub-section (f) of section 30, lines 26 to 31 inclusive.

ROY E. STEVENS.

Amend Senate File 1, section 39 thereof, by inserting following line nine (9) the following:

"Every resident of this state who purchases for consumption and not for resale any tangible personal property, consisting of goods, wares or merchandise, from other than an established retailer within the state, shall forthwith present to the county treasurer of the county of his residence, an invoice covering every such purchase, and shall pay to such county treasurer two per cent (2%) tax upon such purchase. The county treasurer thus collecting said tax shall report the same to the State Board of Assessment and Review."

GEO. A. WILSON.

Amend Senate File 1 as follows: By inserting a new paragraph immediately following paragraph (b) of Section 40, to be as follows: "(c) The gross receipts from sales, deliveries or circulation of newspapers."

Further amend Section 40 by changing "(c)" in line 12 thereof to "(d)", and by changing "(d)" in line 15 thereof to "(e)".

FRANK C. BYERS.

Amend Senate File 1 by striking subsection 2 of Section 55 and inserting in lieu thereof the following:

"2. Where the board finds the taxpayer has made a fraudulent return, the costs of said hearing shall be taxed to the taxpayer. In all other cases the costs shall be paid by the state."

JOHN N. CALHOUN.

Amend Senate File 1 by striking out paragraph 2 of section 55, lines 13 to 17 inclusive, and renumbering the remaining paragraphs.

ROY E. STEVENS.

Amend Senate File 1 by inserting after the word "resale" in the fifteenth (15th) line of section thirty-eight (38) the words "or process".

CLAUDE STANLEY.

Amend Senate File 1 by striking therefrom sections twenty-one (21), twenty-two (22) and twenty-five (25) and inserting in lieu thereof as section twenty-one (21) the following:

"Section 21. Compensation of Tax, Interest and Penalties.

1. As soon as practicable after the return is filed the board shall examine it and determine the correct amount of tax, and the amount so determined by the board shall be the tax. If the tax found due shall be greater than the amount theretofore paid, the excess, together with interest and penalty as hereinafter provided shall be paid by the taxpayer within ten days after the board shall have given notice thereof to the taxpayer by registered mail.

2. If the board discovers from the examination of the return or otherwise that the income of the taxpayer, or any portion thereof, has

not been listed in the return, or that no return was filed when one was due, it may at any time within two years after the time when such return was due, determine the correct amount of the tax together with interest and penalty as hereinafter provided. The amount thereof shall be paid within ten days after the board shall have given notice thereof to the taxpayer by registered mail.

3. To the tax or additional tax as determined by the board under the provisions of paragraphs one (1) and two (2) of this section there shall be added and made a part thereof an additional amount, by way of penalty, equal to five per cent (5%) of such tax and additional tax, plus one dollar (\$1.00), and an additional one per cent (1%) interest for each month or fraction of a month during which the tax and/or additional tax remains unpaid. The interest provided for herein shall in all cases be computed from the date the return was originally required to be filed.

4. If the amount of the tax as determined by the board shall be less than the amount theretofore paid, the excess shall be refunded with interest after sixty days from the date of payment at six per cent (6%) per annum under the provisions of such regulations as may be prescribed by the board.

5. All payments received must be credited first, to the penalty and interest accrued, and then to the tax due.

6. The board shall have power, upon making a record of its reasons therefore, to waive or reduce any of the penalties and/or interest provided for herein.

7. Any person who, with fraudulent intent, refuses to pay any tax or to make, render, sign or verify any return, or to supply any information within the time required by or under the provisions of this division, shall be liable to a penalty of not more than one thousand dollars (\$1000.00) to be recovered by the Attorney General in the name of the state by action in the District Court. The board shall have the power to compromise the penalty imposed by this sub-section. Such penalties shall be in addition to all other penalties in this division provided.

8. Any person required to make, render, sign or verify any return or supplemental return, who makes any false or fraudulent return, with intent to defeat or evade the assessment required by law to be made, shall be guilty of a felony and shall upon conviction, for each such offense, be fined not less than five hundred dollars (\$500.00) and not more than five thousand dollars (\$5000.00) and be imprisoned not exceeding one year, or be subject to both fine and imprisonment, in the discretion of the Court.

9. The failure to do any act required by or under the provisions of this division shall be deemed an act committed in part at the office of the board in Iowa. The certificate of the board to the effect that a tax has not been paid, that a return has not been filed, or that information has not been supplied, as required under the provisions of this division shall be prima facie evidence thereof."

Further amend by renumbering section twenty-three (23) as section twenty-two (22) and section twenty-four (24) as section twenty-three (23).

Further amend by striking sections twenty-six (26) and twenty-seven (27) and inserting in lieu thereof as sections twenty-four (24) and twenty-five (25) the following:

"Section 24. Revision of Tax. A taxpayer may appeal to the board for revision of the tax, interest and/or penalties assessed against him at any time within one year from the time of the filing of the return or from the date of the notice of the assessment of such tax, additional tax, interest and/or penalties. The board shall grant a hearing thereon and if, upon such hearing, it shall determine that the tax, interest and/or penalties are excessive or incorrect, it shall revise the same according to the law and the facts and adjust the computation of the tax, interest and/or penalties accordingly. The board shall notify the taxpayer by registered mail of its findings and shall refund to the taxpayer the amount, if any, paid in excess of the tax, interest and/or penalties found by it to be due with interest after sixty days from the date of payment by the taxpayer at six per cent (6%) per annum.

"Section 25. Appeals.

1. An appeal may be taken by the taxpayer to the District Court of the county in which he resides, or in which his principal place of business is located, within sixty days after he shall have received notice from the board of its determination as provided for in the preceding section.

2. The appeal shall be taken by a written notice to the Chairman of the board and served as an original notice. When said notice is so served it shall, with the return thereon, be filed in the office of the Clerk of said District Court, and docketed as other cases, with the taxpayer as plaintiff and the board as defendant. The plaintiff shall file with such Clerk a bond for the use of the defendant, with sureties approved by such Clerk, in penalty at least double the amount of tax appealed from, and in no case shall the bond be less than fifty dollars (\$50.00), conditioned that the plaintiff shall perform the orders of the Court.

3. The Court shall hear the appeal in equity and determine anew all questions submitted to it on appeal from the determination of the board. The Court shall render its decree thereon and a certified copy of said decree shall be filed by the Clerk of said Court with the board who shall then correct the assessment in accordance with said decree. An appeal may be taken by the taxpayer or the board to the Supreme Court of this state in the same manner that appeals are taken in suits in equity, irrespective of the amount involved."

Further amend by striking from line two (2) in section 37 the words and figures "section twenty-six (26) and section twenty-seven (27)" and inserting in lieu thereof the words and figures "section twenty-four (24) and section twenty-five (25)".

CLAUDE STANLEY.

Amend Senate File 1, section fourteen (14), by striking from lines five (5) and six (6) thereof the following words "one thousand" and inserting in lieu thereof the words "six hundred".

CLAUDE STANLEY.

Amend Senate File 1, section fifty (50) by inserting after the word "notice" in the first (1st) line thereof " , except notice of appeal,".

Also amend section fifty-two (52) by changing the period at the end

of said section to a comma and adding the following: "out of the proceeds of the taxes collected under the provisions of this act".

Also amend section fifty-six (56) by inserting after the word "pay" in the fifteenth (15th) line thereof the following: ", out of the proceeds of the taxes collected under the provisions of this act, ".

Also amend section sixty-two (62) by striking the word "sixty" from the third (3rd) line thereof and inserting in lieu thereof the word "sixty-one".

Also further amend said section sixty-two (62) by adding after the period following the word "county" in the nineteenth (19th) line thereof the following: "The amount of the money so credited shall be apportioned by the County Treasurer to the various taxing districts of said county the same as though the amount thereof had been paid to the treasurer of said county by the taxpayers of said taxing district."

CLAUDE STANLEY.

Amend Senate File 1 by striking from section forty-eight (48) all that part following the period after the word "tax" in the twentieth (20th) line thereof and inserting in lieu thereof as a new section the following:

"Appeals.

1. An appeal may be taken by the taxpayer to the District Court of the county in which he resides, or in which his principal place of business is located, within sixty days after he shall have received notice from the board of its determination as provided for in the preceding section.

2. The appeal shall be taken by a written notice to the Chairman of the board and served as an original notice. When said notice is so served it shall, with the return thereon, be filed in the office of the Clerk of said District Court, and docketed as other cases, with the taxpayer as plaintiff and the board as defendant. The plaintiff shall file with such Clerk a bond for the use of the defendant, with sureties approved by such Clerk, in penalty at least double the amount of tax appealed from, and in no case shall the bond be less than fifty dollars (\$50.00), conditioned that the plaintiff shall perform the orders of the Court.

3. The Court shall hear the appeal in equity and determine anew all questions submitted to it on appeal from the determination of the board. The Court shall render its decree thereon and a certified copy of said decree shall be filed by the Clerk of said Court, with the board who shall then correct the assessment in accordance with said decree. An appeal may be taken by the taxpayer or the board to the Supreme Court of this state in the same manner that appeals are taken in suits in equity, irrespective of the amount involved."

Also amend section forty-nine (49) by striking from line two (2) the words and figures "twenty-three (23)" and inserting in lieu thereof the words and figures "twenty-two (22)".

CLAUDE STANLEY.

Amend Senate File 136 by striking therefrom Section two (2).

PAUL W. SCHMIDT.

Amend Senate File 175 as follows:

1. By striking out the word "than" in line three (3) of Section thirty-three (33) and inserting in lieu thereof the word "or".

2. By striking out the word "permanence" in line three (3) of Section thirty-three (33) and inserting in lieu thereof the word "permanence".

3. In Section twenty-eight (28), line two (2), insert the words "two or" after the word "usual" and before the word "four".

4. In Section thirty-four (34), line two (2), insert the words "two or" after the word "such" and before the word "four".

PAUL W. SCHMIDT.

Amend Senate File 215 by adding after Section 24 the following:

"Sec. 24-a1. Prohibited construction. Nothing in this chapter shall authorize the construction of a pipe line longitudinally on, over or under any public highway or railroad right of way without the consent of the public authority having control and supervision over the public highway or the railway company's consent, as the case may be, nor shall any provision of this chapter authorize or give the right of condemnation or eminent domain for such purposes."

GEO. A. WILSON,
E. R. HICKLIN.

Amend House File 92 by striking from lines thirteen (13) and fourteen (14) of Section one (1) the following: "and is of a quality reasonably suited for the purpose or purposes intended" and inserting in lieu thereof the following: "and is of a quality best suited for the plant or purpose intended".

Further amend by striking from lines fifteen (15) and sixteen (16) of Section one (1) the following: "on a commercial heating basis" and inserting in lieu thereof the following: ", heating value or evaporation value considered,".

Further amend by adding after the word "cost" in line sixteen (16) of Section one (1) the following: ", heating value or evaporation value considered,".

Further amend by striking all of Section two (2). EDW. J. WENNER.

On motion of Senator Shangle the Senate adjourned until 10:00 a. m. Wednesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 13, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. P. R. Stevens, pastor of the Capitol Hill Church of Christ, of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring proposed bill to increase restaurant license fees. Senator Irwin from restaurant owners of Clinton and DeWitt; Senator Byers from restaurant owners of Cedar Rapids; Senator Nelson from restaurant owners of Story County. Cities and towns.

Favoring bill to prohibit walkathons. Senator Doze from Chariton Woman's Club and Chariton Community Club. Judiciary No. 2.

Favoring tax on chain stores. Senator Kimberly from citizens of Scott county. Tax revision and reorganization.

Opposing tax on fraternal insurance. Senator Nelson from Brotherhood of Locomotive Firemen and Enginemen of Boone county. Tax revision and reorganization.

Favoring amendment to gross income tax bill exempting charitable and religious institutions from taxation. Senator Nelson from voters of Story county; Senator Geske from voters of McGregor, and Senator Shangle from church members of Oskaloosa. Tax revision and reorganization.

Favoring gross income tax bill. Senator Tripp from Jasper County Branch of Iowa Association for Tax Justice. Senator Irwin from Volekman Furniture and Carpet Company of Clinton, and voters of Wheatland. Senator Miller of Buchanan from tax-

payers of Earlville. Senator Coykendall from citizens of Shambaugh, Hepburn and Clarinda. Senator Bennett from voters of Monona county. Tax revision and reorganization.

Favoring replacement taxes to limit tax on real estate. Senator Chrystal from voters of Jefferson. Tax revision and reorganization.

Favoring bill prohibiting "deficiency judgments" in case of foreclosures. Senator Wenner from Waterloo Association of Property Owners. Emergency legislation.

Opposing bill relating to contracts for professional services to poor persons. Senator Carden from Washington County Medical Society. County and township affairs.

Opposing Senate File 155. Senator Miller of Buchanan from farmers and business men of Greeley. Emergency legislation.

Opposing change in farm aid law. Senator Schmidt from Iowa and Johnson County Farm Bureaus. County and township affairs.

INTRODUCTION OF BILLS

Senate File No. 227, by committee on banks and banking, a bill for an act to amend the law regulating the sale of securities as appears in chapter three hundred ninety-three C one (393-C1) of the Code of Iowa 1931; to repeal paragraph "b" of section eighty-five hundred eighty-one C four (8581-c4) relating to exempt securities; to repeal paragraph "f" of section eighty-five hundred eighty-one C four (8581-c4) relating to exempt securities, and to enact a substitute therefor; to amend paragraph "f" of section eighty-five hundred eighty-one C five (8581-c5) relating to exempt transactions; to amend paragraph "h" of section eighty-five hundred eighty-one C five (8581-c5) relating to exempt transactions; to repeal paragraph "i" of section eighty-five hundred eighty-one C five (8581-c5) relating to exempt transactions and to enact a substitute therefor; to amend section eighty-five hundred eighty-one C six (8581-c6) relating to registration of securities; to repeal section eighty-five hundred eighty-one C seven (8581-c7); to amend section eighty-five hundred eighty-one C eight (8581-c8) relating to registration by qualification; to amend chapter three hundred ninety-three C one (393-C1) relating to the Iowa Securities Act by inserting a section pertaining to the

regulation of price and commission; to amend section eighty-five hundred eighty-one C nine (8581-c9) relating to consent to service; to amend section eighty-five hundred eighty-one C eleven (8581-c11) relating to registration of dealers and salesmen; to amend section eighty-five hundred eighty-one C twelve (8581-c12) relating to deposits for special examinations; to amend chapter three hundred ninety-three C one (393-C1) relating to the Iowa Securities Act by inserting a section pertaining to trust funds; to amend section eighty-five hundred eighty-one C thirteen (8581-c13) relating to revocation of dealers and salesmen's registration; to amend chapter three hundred ninety-three C one (393-C1) relating to the Iowa Securities Act by inserting a section pertaining to examinations and insolvency; to amend chapter three hundred ninety-three C one (393-C1) relating to the Iowa Securities Act by inserting a section pertaining to transactions with insolvent dealers; to amend chapter three hundred ninety-three C one (393-C1) relating to the Iowa Securities Act by inserting a section pertaining to hypothecation of customer's securities; to amend section eighty-five hundred eighty-one C fourteen (8581-c14) relating to bonds and conditions; to amend section eighty-five hundred eighty-one C fifteen (8581-c15) relating to burden of proof; to repeal section eighty-five hundred eighty-one C seventeen (8581-c17) relating to injunctions and to enact a substitute therefor; to amend chapter three hundred ninety-three C one (393-C1) relating to the Iowa Securities Act by inserting a section pertaining to the authority of the Secretary of State.

Read first and second times and placed on the calendar.

SENATE FILE 23 WITHDRAWN

By unanimous consent, on request of Senator Hopkins, Senate File 23 was withdrawn from further consideration, the companion bill having been defeated in the House.

PROOFS OF PUBLICATION

I hereby certify that there has been filed with me as Secretary of the Senate, a proof of publication from the Waverly Journal, Waverly, Iowa, relating to House File 106, a bill for an act to legalize the incorporation, including the notice of incorporation and the publication thereof, and corporate acts and proceedings relating to the incorporation of the Heiberg Brewing Company, incorporated of Waverly, Iowa.

Also: A proof of publication from the O'Brien County Bell, Primghar,

Iowa, relating to House File 115, a bill for an act to make permanent a temporary transfer made August 16, 1932, by authority of the Director of the Budget for Iowa, of ten thousand dollars (\$10,000.00) from the Secondary Road Construction Fund of O'Brien County, Iowa, to the Poor Fund of said county. *BYRON G. ALLEN, Secretary of the Senate.*

REPORTS OF COMMITTEES

Senator Leo submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred Senate File 99, a bill for an act to recognize the Iowa Swine Producers' Association, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, Chairman.

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 68, a bill for an act to make an appropriation for the use of the State Board of Conservation, begs leave to report it has had the same under consideration and returns the bill without recommendation.

RICHARD V. LEO, Chairman.

Ordered passed on file.

Senator Tripp moved that the Senate resolve itself into a committee of the whole.

The motion prevailed.

COMMITTEE OF THE WHOLE

Senator Tripp moved that Lieutenant Governor N. G. Kraschel preside over the committee of the whole as chairman.

The motion prevailed.

Discussion of the gross income tax bill was resumed.

Chairman N. G. Kraschel appointed Senator Irwin to preside over the committee of the whole at 11:00 a. m.

On motion of Senator Harrington the committee of the whole recessed until 1:30 p. m. today.

AFTERNOON SESSION

The committee of the whole reconvened, Chairman pro tempore Harold L. Irwin presiding.

Mr. Francis Johnson, Vice President of the Iowa Farm Bureau Federation and former speaker of the House, explained House File 131.

Senator Carden moved that the committee of the whole arise.

The motion prevailed and the Senate resumed regular session.

Senator Hicklin asked unanimous consent that the rules be suspended and he and other Senators be permitted to introduce a bill along the lines of House File No. 131, and that when the bill is completed, it be submitted to the committee of the whole if the Senate resumes consideration of tax bills in committee of the whole.

Consent was granted.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 16, a bill for an act relating to traffic on boulevards or arterial highways.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 22, a bill for an act relating to the investment of the funds of fraternal beneficiary societies, orders, or associations.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 37, a bill for an act relating to license fees on motor vehicle trailers.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 98, a bill for an act relating to real estate brokers.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 101, a bill for an act relating to the expenditure by cities in aiding in the purchase of land for state parks.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 106, a bill for an act to legalize the incorporation of the Heiberg Brewing Company, of Waverly, Iowa.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 115, a bill for an act to make permanent a temporary transfer of funds from the Secondary Road Construction Fund of O'Brien County, Iowa, to the Poor Fund of said county.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE MESSAGES CONSIDERED

House File No. 16, a bill for an act so to amend section forty-nine hundred ninety-five (4995), Code, 1931, as to give traffic on duly designated boulevard or arterial highways the right of way over traffic on intersecting streets and highways, provided "Stop, Boulevard" signs are maintained on said intersecting streets and highways.

Read first and second times and referred to committee on judiciary No. 2.

House File No. 22, a bill for an act to amend paragraph eight (8) of section eighty-eight hundred twenty-nine (8829), Code, 1931, relating to the investment of the funds of fraternal beneficiary societies, orders, or associations.

Read first and second times and referred to committee on judiciary No. 2.

House File No. 37, a bill for an Act to amend Section forty-nine hundred twenty (4920), Code, 1931, relating to license fees on motor vehicle trailers.

Read first and second times and referred to committee on motor vehicles.

House File No. 98, a bill for an Act to amend section nineteen hundred five-c twenty-six (1905-c26) code, 1931, relating to real estate brokers.

Read first and second times and referred to committee on judiciary No. 1.

House File No. 101, a bill for an act to amend sections eighteen hundred twenty-two-a-one (1822-a1), Eighteen Hundred twenty-two-a two (1822-a2), Eighteen hundred twenty-two-a three (1822-a3), Code, 1931, relating to the expenditure by cities in aiding in the purchase of land for state parks.

Read first and second times and referred to committee on conservation.

House File No. 106, a bill for an Act to legalize the incorporation, including the notice of incorporation and the publication thereof, and corporate acts and proceedings relating to the incor-

poration of the Heiberg Brewing Company, incorporated of Waverly, Iowa.

Read first and second times and referred to committee on judiciary No. 2.

House File No. 115, a bill for an Act to make permanent a temporary transfer made August 16, 1932, by authority of the Director of the Budget for Iowa, of ten thousand dollars (\$10,000.00) from the Secondary Road Construction Fund of O'Brien County, Iowa, to the Poor Fund of said county.

Read first and second times and referred to committee on judiciary No. 2.

COPIES OF LIQUOR CONTROL BILL ORDERED

Senator Frailey asked unanimous consent to have printed 2400 copies of the liquor control bill, to be introduced, for the information of the Senate.

Consent was granted.

HOUSE FILE 89 REREFERRED

By unanimous consent, on request of Senator Hicklin, House File 89, referred to the judiciary No. 2 committee, was rereferred to the committee on cities and towns, for the reason that the Senate companion bill is already in that committee.

By unanimous consent, on request of Senator Nelson, order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 228, by committee on county and township affairs, a bill for an act to make permanent the transfer, in Winneeshiek County, Iowa, of certain funds in the secondary road construction fund, and of certain funds in the court expense fund, to the poor fund.

Read first and second times and placed on the calendar.

Senate File No. 229, by committee on county and township affairs, a bill for an act to legalize the re-incorporation of the First Methodist Episcopal Church of Nora Springs, Floyd County, Iowa, its articles of incorporation, the election of officers and

board of trustees under said articles of incorporation, and of the acts and proceedings to effect said re-incorporation and the title to the property belonging to said corporation as heretofore incorporated and assumed by said articles of re-incorporation.

Read first and second times and placed on the calendar.

REPORT OF JOINT COMMITTEE ON EXTRA HELP

MR. PRESIDENT: Your joint committee on extra help begs leave to make the following report and moves its adoption:

On November 27th, the Senate adopted a report of this committee naming George Hall as a janitor to be assigned to the custodian's force, and on November 28th, said report was adopted in the House. This report being in error, the committee recommends that the said George Hall be transferred to the Senate employee group as an assistant doorkeeper.

D. W. KIMBERLY,

W. R. RITCHIE,

VINCENT F. HARRINGTON,

On the Part of the Senate.

WM. KOCH,

J. P. GALLAGHER,

ED. RAWLINGS,

On the Part of the House.

Passed on file.

The journal of December 12th was corrected and approved.

AMENDMENTS FILED

Amend Senate File 169 by striking all of Section three (3) and inserting in lieu thereof the following:

"Sec. 3. This act, being deemed of immediate importance, shall be in full force and effect after its passage and publication in the Lamoni Chronicle, a newspaper published at Lamoni, Iowa, and in The Record-News, a newspaper published at Mount Ayr, Iowa." FRANK M. STEVENS.

Amend House File 83 by inserting as Sec. 7 the following, and renumbering the remaining sections:

"Sec. 7. Nothing herein contained shall prevent proceedings by agreement of the parties".

JOHN N. CALHOUN.

Amend Senate File 90 as follows:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

"Section 1. Section forty-two hundred seventy-seven (4277), code 1931, is amended by striking out all of said section following the period (.) in line eight (8) thereof and inserting in lieu thereof the following:

"The tuition rate chargeable to the home district of such nonresident high school pupil shall not exceed the pro-rata cost and shall be computed solely upon the basis of the average daily attendance of all resident and nonresident pupils enrolled in such high school, but it shall not include the cost of transportation to high school or any part thereof, unless the actual pro-rata cost of such tuition is less than the maximum rate authorized by law, in which case the board of the district that is responsible for

the payment of such tuition may, by resolution, authorize the payment of such portion of transportation costs as does not exceed the difference between the actual pro-rata cost of high school tuition and the maximum rate authorized by law, provided the creditor district collects any balance of such transportation cost from the parents whose children are transported. Transportation costs shall, in all cases, be based upon the pro-rata cost of all pupils transported to school in such district.

'On or before February 15 and June 15 of each year the secretary of the creditor district shall deliver to the secretary of the debtor district an itemized statement of such tuition fees.'

2. Strike out the title and insert in lieu thereof the following:

"An act to amend section forty-two hundred seventy-seven (4277), code 1931, relating to high school tuition and to make nonresident parents whose children are transported to high school responsible for the pro-rata cost of such transportation and to provide the conditions under which a portion of such transportation cost may be assumed by their board."

LEO ELTHON.

Amend Senate File 66 by striking from lines thirteen (13) and fourteen (14) of Section one (1) the following: "and is of a quality reasonably suited for the purpose or purposes intended" and inserting in lieu thereof the following: "and is of a quality best suited for the plant or purpose intended".

Further amend Section one (1) by striking from lines fifteen (15) and sixteen (16) the following: "on a commercial heating basis" and inserting in lieu thereof the following: ", heating value or evaporation value considered,".

Further amend Section one (1) by adding after the word "cost" in line sixteen (16) the following: ", heating value or evaporation value considered,".

Further amend by striking all of Section two (2).

EDW. J. WENNER.

On motion of Senator Shangle the Senate adjourned until 10:00 a. m. Thursday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 14, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. S. A. Fulton, pastor of the First Presbyterian Church of Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Wilson for the day, on account of illness on request of Senator Topping.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

The secretary reported receiving a letter from Governor Herring transmitting a petition from the citizens of Hastings opposing the legalized sale of hard liquors during the depression. Liquor control.

Favoring amendment to gross income tax bill exempting charitable, religious and educational institutions. Senator Reese from members of the Visiting Nurse Association of Marshalltown. Senator Wenner from citizens of Blackhawk county. Senator Roelofs from citizens of Sheldon. Senator Hush from voters of Villisca. Senator Stevens of Wapello from citizens of Ottumwa. Tax revision and reorganization.

Opposing gross income tax bill. Senator Hopkins from voters of Perry. Senator Irwin from Brotherhood of Locomotive Engineers of Clinton. Tax revision and reorganization.

Favoring gross income tax bill. Senator Leo from farmers of Tama county; Senator Meyer from citizens of Readlyn and Shell Rock; Senator Irwin from voters of Clinton; Senator Moore from citizens of Council Bluffs. Tax revision and reorganization.

Favoring replacement taxes to limit tax on real estate. Sen-

ator Ritchie from voters of Buena Vista county. Tax revision and reorganization.

Favoring Senate File 155. Senator Booth from Shelby County Holiday Association; Senator Miller of Buchanan from citizens of Greeley; Senator Mullaney from farmers of Allamakee county; Senator Bennett from farmers of Monona county. Emergency legislation.

Opposing Senate File 155. Senator Hopkins from citizens of Dallas and Guthrie counties; Senator Kimberly from livestock producers of Scott county; Senator Irwin from citizens of Clinton; Senator Leo from producers and feeders of Benton county; Senator Moore from J. E. Fleming of Walnut. Emergency legislation.

Favoring passage of old age pension bill. Senator Stevens of Decatur from residents of Decatur county. Judiciary No. 2.

Favoring increase in the restaurant license fees. Senator Knudson from restaurant owners of Alden, Iowa Falls, Hubbard, Eldora and Ackley. Cities and towns.

Opposing Senate File 171 relative to medical and dental services. Senator Miller from Buchanan County Medical Society. County and township affairs.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me as Secretary of the Senate, a proof of publication from the Harrison County Herald, Logan, Iowa, relating to House File 116, a bill for an act to make permanent the temporary transfer, made December 28, 1932, of money from the secondary road trunk construction fund to the General fund of Harrison County, Iowa.

BYRON G. ALLEN, *Secretary of the Senate.*

BILLS SIGNED BY THE GOVERNOR

A communication was received from the governor announcing that he had, on December 9th, approved the following bills:

Senate File 59, relating to the transfer of money from the secondary road maintenance fund to the poor fund of Cass County, Iowa.

Senate File 69, relating to the charges to be paid by the owner of grain at the time of the sealing of his warehouse.

Senate File 102, relating to legalizing of secondary road projects in Iowa.

Senate File 51, relating to the collection of motor vehicle license fees.

Senate File 94, relating to suspension of Operator's or Chauffeur's licenses.

Senate File 93, relating to storage affidavits on motor vehicles for 1933.

REPORT OF JOINT COMMITTEE ON EXTRA HELP CONSIDERED

Senator Ritchie called up for consideration the report as found on page 356 of the Senate journal and moved its adoption.

The report was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 71, a bill for an act prescribing the form in which bills shall be printed which amend sections of the code.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 102, a bill for an act relating to obstruction of natural water courses and public drains.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 116, a bill for an act making permanent the transfer of funds in Harrison County.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 127, a bill for an act legalizing certain tax deeds and relating to collections of costs of serving notices.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 166, a bill for an act creating a presumption in any action or proceeding to recover taxes upon property not listed or assessed for taxation.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 65, a bill for an act relating to the power to establish an armory.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENT TO SENATE FILE 65

Amend Senate File 65 by adding thereto the following:

"Sec. 2. This act, being deemed of immediate importance, shall be in full force and effect from and after its passage and publication in the Burlington Hawkeye Gazette, a newspaper published at Burlington, Iowa, and in the Mount Pleasant Daily News, a newspaper published at Mount Pleasant, Iowa."

Senator Harrington moved that the Senate resolve itself into a committee of the whole.

The motion prevailed.

COMMITTEE OF THE WHOLE

Senator Harrington moved that Lieutenant Governor N. G. Kraschel preside as chairman of the committee of the whole.

The motion prevailed.

Senator Booth asked unanimous consent that Mr. Louis Cook, former member of board of assessment and review, be permitted to speak on tax revision.

Consent was granted.

On motion of Senator Shangle, the committee of the whole recessed until 1:30 p. m. today.

AFTERNOON SESSION

The committee of the whole reconvened.

Consideration of Senate File 1 with amendments.

Senator Valentine proposed that the committee of the whole consider the committee amendments first, section by section, then the individual amendments by sections.

The proposal was accepted by unanimous consent.

The committee amendments were taken up and considered.

Senator Valentine moved the adoption of the following amendment:

1. Amend section 4, paragraph 12, by striking the period after the word "support" in line 52 and adding thereto the following: "; provided, however, that such dependents must be of blood relation, marriage or adoption."

The amendment was adopted.

Senator Valentine moved the adoption of the following amendment:

2. Amend section 8, by striking from paragraph 2 all of paragraph (b), and inserting in lieu thereof the following:

“(b) 1. Amounts received under a life insurance contract paid by reason of the death of the insured, whether in a single sum or in installments (but if such amounts are held by the insurer under an agreement to pay interest thereon, the interest payments shall be included in gross income).

“2. Amounts received (other than amounts paid by reason of the death of the insured and interest payments on such amounts) under a life insurance, endowment, or annuity contract, but if such amounts (when added to amounts received before the taxable year under such contract) exceed the aggregate premium or consideration paid (whether or not paid during the taxable year) then the excess shall be included in gross income. In the case of a transfer for a valuable consideration, by assignment or otherwise, of a life insurance, endowment, or annuity contract, or any interest therein, only the actual value of such consideration and the amount of the premiums and other sums subsequently paid by the transferee shall be exempt from taxation under paragraph 1 or this paragraph.”

Senator Valentine offered the following amendment to the amendment, and moved its adoption:

Amend subsection 2 by striking therefrom the following:

“and the amount of the premiums and other sums subsequently paid by the transferee”.

The amendment was adopted.

Senator Valentine moved the adoption of the following amendment:

3. Amend section 9 sub-section 5 by inserting after the word “the” in line 28 the words “damage, destruction,”. And further amend by striking the period after the word “date” in line 38 of said sub-section and inserting in lieu thereof the following: “; and provided further that any allowance for damage or destruction shall be only such as is not covered by insurance.”

The amendment was adopted.

Senator Valentine moved the adoption of the following amendment:

4. Amend section 15, by striking from line 13 the word “taxpayer” and inserting in lieu thereof the words: “resident of this state”.

The amendment was adopted.

Senator Valentine moved the adoption of the following amendment:

5. Amend section 29, sub-section (a), paragraph (2), by striking all of lines 32 to 43 inclusive and inserting in lieu thereof the following:

"to business within the state shall be in that proportion which the gross sales made within the state bear to the total gross sales."

The amendment was adopted.

Senator Valentine moved the adoption of the following amendment:

6. Also amend section 29, sub-section (a), paragraph (2), by striking from line 46 after the word "deliveries" the words "to a common carrier".

The amendment was adopted.

Senator Valentine moved the adoption of the following amendment:

7. Amend section 38, paragraph (f), by adding after the period in line 29, the following:

"Provided, further, that on all sales of retailers, valued in money, when such sales are made under conditional sales contract, or under other forms of sale wherein the payment of the principal sum thereunder be extended over a period longer than sixty (60) days from the date of sale thereof, that only such portion of the sale amount thereof shall be accounted, for the purpose of imposition of tax imposed by this bill, as has actually been received in cash by the retailer during the accounting period as defined herein."

The amendment was adopted.

Senator Valentine moved the adoption of the following amendment:

8. Amend section 62 line 3 on page 58 by striking the word "sixty" and inserting in lieu thereof the words "sixty-one".

The amendment was adopted.

Senator Shangle offered the following amendment and moved its adoption:

Amend Section five (5) by striking out of lines fifteen (15) and sixteen (16) the words "and on all taxable income in excess of five thousand dollars, five per cent (5%)" and insert in lieu thereof the following:

"on the sixth thousand dollars of taxable income, or any part thereof, six per cent (6%), and on the seventh thousand dollars, or any part thereof, seven per cent (7%), and on the eighth thousand dollars of taxable income, or any part thereof, eight per cent (8%), and on taxable income in excess of eight thousand dollars, ten per cent (10%)."

Senator Patterson moved to defer action on the amendment.

The motion to defer lost.

Senator Harrington moved the previous question on the amendment, which motion prevailed.

Roll call was demanded on the Shangle amendment.

Senator Beatty moved to defer action on the amendment.

Senator Beatty moved that the Senate adjourn.

Senator Harrington raised the point of order that the previous question had prevailed and that the committee of the whole could not adjourn.

The President held that the committee of the whole could not adjourn, but could only arise. He further held that Senator Beatty's motion to defer action on the amendment was out of order because the motion of previous question had prevailed.

Senator Stanley moved that the committee of the whole arise.

Senator Ritchie asked unanimous consent to have printed 1,200 extra copies of Senate File 69.

Senator Wenner raised the point of order that the committee of the whole could not entertain such a request.

The President held the point of order well taken.

The motion to arise from the committee of the whole prevailed, and the Senate resumed regular session.

SENATE FILE 69 ORDERED PRINTED

By unanimous consent, on request of Senator Ritchie, 1,200 extra copies of Senate File 69 were ordered printed.

Senator Schmidt moved that when the Senate adjourns it be to reconvene at 10:00 a. m. tomorrow.

The motion prevailed.

HOUSE AMENDMENT CONSIDERED

By unanimous consent, on request of Senator Topping, the rules were suspended and the House amendment to Senate File 65 was taken up and considered.

Senator Topping moved that the Senate concur in the following amendment to Senate File 65:

Amend by adding thereto the following:

"Sec. 2. This act, being deemed of immediate importance, shall be in full force and effect from and after its passage and publication in the Burlington Hawkeye Gazette, a newspaper published at Burlington, Iowa, and in the Mount Pleasant Daily News, a newspaper published at Mount Pleasant, Iowa."

On the question "Shall the Senate concur? the vote was:

Ayes, 45.

Aschenbrenner	Fisch	Leo	Ritchie
Baldwin	Frailey	McArthur	Roelofs
Beatty	Geske	Meyer	Schmidt
Bennett	Harrington	Miller of	Shangle
Booth	Hicklin	Buchanan	Stanley
Byers	Hopkins	Miller of Jones	Stevens of
Calhoun	Hush	Moore	Decatur
Carden	Husted	Mullaney	Topping
Chrystal	Irwin	Nelson	Tripp
Coykendall	Kimberly	Patterson	Valentine
Doze	Klemme	Pendray	Wenner
Elthon	Knudson	Reese	

Nays, none.

Absent or not voting, 5.

Anderson	Hill	Stevens of	Wilson
Beardsley		Wapello	

The House amendment having received a constitutional majority was declared to have been adopted and concurred in by the Senate.

By unanimous consent, on request of Senator Hicklin, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 230, by Senators Hicklin, Nelson, Tripp, Husted, Wenner, Elthon, Coykendall, Topping, Fisch, Stevens of Wapello, Booth, Baldwin, Stanley and Moore, a bill for an act to limit the amount of taxes assessed against property to provide for the raising of public revenue from other sources by imposing a tax or taxes upon the privilege of doing business in the State of Iowa, based upon the gross income of such business in accordance with certain specified classifications and to provide for the ascertainment, assessment, and collection of such taxes; to provide for the distribution and use of revenue derived under this act so as to provide a substitute for such property taxes; to regulate the revenue raised by public schools from tuition; to amend Chapter sixty-two (62) of the laws of the Forty-fifth General Assembly;

to repeal all laws or parts of laws in conflict herewith, and to provide penalties for the violation of the provisions of this Act.

Read first and second times and referred to the committee of the whole.

Senate File No. 231, by committee on public schools, a bill for an act to provide public school facilities for persons of school age who reside on that portion of an Iowa school district that is located on the opposite side of a river that is a general boundary line of the state and such portion is not within the corporate limits of a city or town and the persons of school age residing on such portion are without reasonable access to a public school in the school district to which such portion belongs.

Read first and second times and placed on the calendar.

Senate File No. 232, by committee on drainage, a bill for an act to amend section seventy-five hundred sixty-two (7562), Code, 1931, relating to the classification and re-classification of assessments in levee and drainage districts.

Read first and second times and placed on the calendar.

Senate File No. 233, by committee on drainage, a bill for an act to provide for the appointment of a conservator for a drainage district, levee district, drainage and levee district, drainage and levee district with pumping stations in default to holders of bonds issued by such districts in default; to provide for the issuance of conservator's bonds by such districts to the bondholders; to provide for adequate proceedings in the district court, and to provide for notices and writs incident to the operation of this act; and defining the meaning of the term 'drainage district' for the purpose of this act.

Read first and second times and placed on the calendar.

HOUSE MESSAGES CONSIDERED

House File 71, a bill for an act to amend Section forty-seven (47), Code, 1931, prescribing the form in which bills shall be printed which amend sections of the Code.

Read first and second time and referred to committee on rules.

House File 102, a bill for an act to amend section thirteen thou-

sand one hundred fourteen (13114), Code 1931, relative to obstructing natural water courses and public drains.

Read first and second time and referred to committee on drainage.

House File 116, a bill for an act to make permanent the temporary transfer, made December 28, 1932, of money from the secondary road trunk construction fund to the general fund of Harrison County, Iowa.

Read first and second time and referred to committee on judiciary No. 2.

House File 127, a bill for an act to legalize certain tax deeds issued without compliance with the requirements of section seven thousand two hundred eighty-three (7283) of the Code, 1931, and corresponding sections of earlier codes, relating to collections of costs of serving notice.

Read first and second time and referred to committee on judiciary No. 2.

House File 166, a bill for an act creating a presumption in any action or proceeding to recover taxes upon property not listed or assessed for taxation during the lifetime of any decedent, that any property, any evidence of ownership of property, and any evidence of a promise to pay, owned by a decedent at the date of his death, had been acquired by such decedent more than five years before the date of his death; and providing that the burden of proving that any such property had been acquired by such decedent less than five years before the date of his death shall be upon the heirs, legatees, and legal representatives of such decedent.

Read first and second time and referred to committee on judiciary No. 1.

REPORTS OF COMMITTEES

Senator Carden submitted the following report:

MR. PRESIDENT: Your committee on conservation to which was referred Senate File 76, a bill for an act to amend sections seventy-seven hundred seventy-five (7775), seventy-seven hundred seventy-six (7776), and seventy-seven hundred seventy-seven (7777) Code, 1931, relating to the collection of permit, license and inspection fees, for the construction, maintenance or operation of dams, and the allocation of funds derived

therefrom, and the study of the proper methods of construction of such dams, begs leave to report it has had the same under consideration and recommends the same do pass.

WM. CARDEN, *Chairman.*

Ordered passed on file.

Senator Nelson submitted the following report:

MR. PRESIDENT: Your committee on county and township affairs to which was referred Senate File 88, a bill for an act to make permanent the transfer from the secondary road fund of Buchanan County to the poor fund of said county, begs leave to report it has had the same under consideration and recommends the same do pass.

FRED W. NELSON, *Chairman.*

Ordered passed on file.

Senator Bennett submitted the following report:

MR. PRESIDENT: Your committee on educational institutions to which was referred Senate File 169, a bill for an act to prohibit "marathon dances", "walkathons", "skatathons", or any endurance contest in the State of Iowa, and providing penalties for any person, firm or corporation participating in, aiding or promoting such contests, begs leave to report it has had the same under consideration and recommends the same do pass.

OLIVER P. BENNETT, *Chairman.*

Ordered passed on file.

The journal of December 13th was corrected and approved.

AMENDMENTS FILED

Amend Senate File 1 by adding after subsection 5 of section 9, as subsection 6 the following:

"6. Earnings of real estate situated in Iowa and of personal property taxed in Iowa at the same rate as real estate. The annual earnings of such real estate and/or personal property shall be computed as being five (5) per cent of the actual value of such property as fixed by the tax assessing authorities."

Re-number the remaining subsections of section 9.

F. M. BEATTY.

ROY E. STEVENS.

Amend Senate File 1 by amending subsection a of Section 30 thereof as follows: Strike out the word "and" in line eight (8) and insert in lieu thereof the word "or".

Amend sub-section c of Section 30 by inserting after the comma following the word "commerce" in line fifteen (15) thereof the following: "labor unions and auxiliary organizations."

FRANK C. BYERS.

J. R. FRAILEY.

On motion of Senator Schmidt the Senate adjourned, the time for reconvening having been set previously for 10:00 a. m. tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 15, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Eric Swan, pastor of the Union Park Methodist church of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Opposing change in prohibition law. Senator Roelofs from voters of O'Brien county. Senator Hicklin from voters of Muscatine county. Liquor control.

Opposing Senate File 155. Senator Hopkins from citizens of Audubon, Brayton and Panora. Senator Carden from stock producers of Washington county. Senator Ritchie from citizens of Laurens. Emergency legislation.

Favoring Senate File 155. Senator Carden from residents and farmers of Washington county. Senator Fisch from citizens of Cherokee and Aurelia. Emergency legislation.

Favoring proposed bill to increase restaurant license fees. Senator Wilson from restaurant owners of Des Moines; Senator Wenner from restaurant owners of Waterloo and Cedar Falls. Cities and towns.

Opposing gross income tax bill. Senator Tripp from citizens of Newton. Tax revision and reorganization.

Favoring amendment to gross income tax bill exempting charitable and religious institutions from taxation. Senator Wilson from voters of city of Des Moines and Polk county. Senator Shangle from voters of Oskaloosa. Senator Reese from voters of Marshalltown. Senator Pendray from voters of Maquoketa. Senator Wenner from voters of Cedar Falls. Senator Patterson from voters of Estherville. Tax revision and reorganization.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me as Secretary of the Senate, a proof of publication from the Perry Daily Chief, Perry, Iowa, relating to House File 141, a bill for an act to make permanent the transfer of funds in Washington Consolidated Independent School District, Dallas County, Iowa. **BYRON G. ALLEN**, *Secretary of the Senate*.

INTRODUCTION OF BILLS

Senate File No. 234, by committee on cities and towns, a bill for an act to legalize and validate proceedings taken by the Town Council of the Town of Lake View, Iowa, authorizing and providing for the issuance of Town Hall Bonds and making provisions for the levy of taxes to pay said bonds.

Read first and second times and placed on the calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 47, a bill for an act protecting trust funds for the maintenance of graves and burial places.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 97, a bill for an act relating to the protection of the permanent school fund.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 134, a bill for an act relating to taking possession of banking institutions, by the superintendent of banking, without insolvency proceedings.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 137, a bill for an act relating to the appointment of referees in probate matters.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 141, a bill for an act to make permanent the transfer of funds in Washington Consolidated Independent School district, Dallas county, Iowa.

VIRGIL LEKIN, *Chief Clerk*.

Senator Stanley moved that the Senate resolve itself into a committee of the whole for the purpose of discussing tax measures.

The motion prevailed.

COMMITTEE OF THE WHOLE

Senator Stanley moved that Lieutenant Governor N. G. Kraschel preside over the committee of the whole, as chairman.

The motion prevailed.

Senator Harrington moved that the committee of the whole reconsider the vote by which the previous question prevailed, on the Shangle amendment, as shown on pages 363 and 364 of the Senate journal of December 14th.

The motion prevailed.

The question was on the motion for previous question.

The motion was lost.

Consideration of the Shangle amendment, as found on page 363 of the Senate journal was resumed.

Senator Pendray was appointed as temporary chairman of the committee of the whole at 10:15 a. m.

Senator Patterson demanded a roll call on the amendment.

Chairman N. G. Kraschel returned to the chair at 10:50 a. m.

Rule 8 was invoked.

On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 23.

Aschenbrenner	Doze	Klemme	Pendray
Beardsley	Elthon	Meyer	Ritchie
Beatty	Hill	Miller of Jones	Shangle
Calhoun	Hopkins	Mullaney	Stanley
Carden	Hush	Nelson	Stevens of
Coykendall	Husted	Patterson	Decatur

Nays, 24.

Anderson	Geske	Miller of	Stevens of
Baldwin	Harrington	Buchanan	Wapello
Bennett	Hicklin	Moore	Topping
Booth	Irwin	Reese	Tripp
Byers	Kimberly	Roelofs	Valentine
Chrystal	McArthur	Schmidt	Wenner
Fralley			Wilson

Absent or not voting, 3

Fisch	Knudson	Leo
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The amendment was lost.

Senators Moore and Harrington offered the following amendment and moved its adoption:

Amend by striking from section five (5) all of sub-sections "(a)", "(b)", "(c)", "(d)", and by striking the letter "(e)" from line 14.

Roll call was demanded.

On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 4.

Anderson	Baldwin	Harrington	Moore
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Nays, 42.

Aschenbrenner	Frailey	McArthur	Roelofs
Beardsley	Geske	Meyer	Shangle
Beatty	Hicklin	Miller of	Stanley
Bennett	Hill	Buchanan	Stevens of
Booth	Hopkins	Miller of Jones	Decatur
Byers	Hush	Mullaney	Stevens of
Calhoun	Husted	Nelson	Wapello
Carden	Irwin	Patterson	Topping
Chrystal	Kimberly	Pendray	Valentine
Coykendall	Klemme	Reese	Wenner
Doze	Knudson	Ritchie	Wilson
Elthon			

Absent or not voting, 4.

Fisch	Leo	Schmidt	Tripp
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The amendment was lost.

Senator Stanley offered the following amendment and moved its adoption:

Amend sub-section two (2) of section eight (8) by inserting after the word "wages" in line thirty-two (32) thereof " , pensions". Also amend said sub-section by striking the word "or" after the word "officials" in line thirty-three (33) thereof and inserting a comma (,) in lieu thereof. Also amend line thirty-three (33) in said sub-section by inserting after the word "employees" the words "or veterans".

The amendment was adopted.

Senator Shangle offered the following amendment and moved its adoption:

Amend sub-section four (4) of section nine (9), Division (II), as follows: In line one of said sub-section four (4), same being line twenty-five (25) of section nine (9), strike the word "Debts" and insert in lieu thereof the word "Credits".

The amendment was adopted.

Senator Stevens of Wapello offered the following amendment and moved its adoption:

Amend by adding an additional sub-division to Section 9, to be known as sub-division 6, and renumbering the remaining sub-divisions.

"6. If for any taxable year beginning after December 31, 1933, it appears on the production of evidence satisfactory to the board that any taxpayer has sustained a net loss, the amount thereof shall be deducted from the net income of the taxpayer for the succeeding year; and if such net loss is in excess of the net income for such succeeding year, the amount of such excess shall be used as a reduction in computing the net income for the next two succeeding tax years, the deduction in all cases to be made under regulations prescribed by the board."

A division of the vote was asked.

The amendment was lost.

Senator Stevens of Decatur moved to recess until 1:30 p. m. today.

The motion prevailed.

AFTERNOON SESSION

The committee of the whole reconvened.

Senators Beatty and Stevens of Wapello offered the following amendment and moved its adoption:

Amend by adding after subsection 5 of section 9, as subsection 6 the following:

"6. Earnings of real estate situated in Iowa and of personal property taxed in Iowa at the same rate as real estate. The annual earnings of such real estate and/or personal property shall be computed as being five (5) per cent of the actual value of such property as fixed by the tax assessing authorities."

Re-number the remaining subsections of section 9.

Senators Beatty and Stevens of Wapello offered the following as a substitute to the pending amendment and moved its adoption:

Amend by adding after sub-section 5, of section 9, as sub-section 6, the following:

"6. In computing the earnings of real estate situated in Iowa and of personal property taxed in Iowa at the same rate as real estate, there shall be allowed a deduction therefrom of an amount equal to five (5) per cent of the assessed valuation of such real estate and/or personal property."

Then renumber the remaining sub-sections.

On motion of Senator Shangle the committee of the whole recessed until the fall of the gavel.

The committee of the whole reconvened at the fall of the gavel.

By unanimous consent, on request of Senator Beatty, action was deferred on his substitute amendment.

Senators Shangle and Byers offered the following amendments and moved their adoption:

Amend Division two (II) as follows: Strike out all of Section twelve (12).

Amend Section thirteen (13) as follows: After the word "every" in line one (1) insert the words "self-supporting". Also strike out lines two (2), three (3), four (4), five (5) and all of line six (6) preceding the word "shall". Further amend by inserting after the comma after the word "oath" in line seven (7) "except as provided in paragraph two (2) thereof,".

Amend Section thirteen (13) by striking out all of paragraph two (2) and inserting in lieu thereof the following:

"Paragraph 2. A husband and wife living together may make separate returns or may make a joint return."

Further amend Section thirteen (13) by striking out all of paragraph four (4) thereof.

Senator Tripp moved the previous question on the amendments, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the amendments be adopted?" the vote was:

Ayes, 19.

Bennett	Harrington	Meyer	Stevens of
Byers	Hicklin	Moore	Wapello
Doze	Hopkins	Mullaney	Topping
Frailey	Husted	Reese	Tripp
Geske	Klemme	Shangle	Wenner

Nays, 28.

Aschenbrenner	Fisch	Miller of	Roelofs
Beardsley	Hill	Buchanan	Schmidt
Beatty	Hush	Miller of Jones	Stanley
Booth	Irwin	Nelson	Stevens of
Calhoun	Kimberly	Patterson	Decatur
Chrystal	Knudson	Pendray	Valentine
Coykendall	Leo	Ritchie	Wilson
Elthon	McArthur		

Absent or not voting, 3

Anderson	Baldwin	Carden
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The amendments were lost.

Senators Shangle and Byers offered the following amendment and moved its adoption:

Amend Section fourteen (14) as follows: Change the comma after the word "acts" in line five (5) of paragraph one (1) to a period and strike out the remainder of said paragraph one (1).

By unanimous consent on request of Senator Byers the amendment was withdrawn.

Senator Stanley offered the following amendment and moved its adoption:

Amend section fourteen (14), by striking from lines five (5) and six (6) thereof the following words "one thousand" and inserting in lieu thereof the words "six hundred".

The amendment was adopted.

Senator Stanley offered the following amendment and moved its adoption:

Amend by striking therefrom sections twenty-one (21), twenty-two (22) and twenty-five (25) and inserting in lieu thereof as section twenty-one (21) the following:

"Section 21. Compensation of Tax, Interest and Penalties.

1. As soon as practicable after the return is filed the board shall examine it and determine the correct amount of tax, and the amount so determined by the board shall be the tax. If the tax found due shall be greater than the amount theretofore paid, the excess, together with interest and penalty as hereinafter provided shall be paid by the taxpayer within ten days after the board shall have given notice thereof to the taxpayer by registered mail.

2. If the board discovers from the examination of the return or otherwise that the income of the taxpayer, or any portion thereof, has not been listed in the return, or that no return was filed when one was due, it may at any time within two years after the time when such return was due, determine the correct amount of the tax together with interest and penalty as hereinafter provided. The amount thereof shall be paid within ten days after the board shall have given notice thereof to the taxpayer by registered mail.

3. To the tax or additional tax as determined by the board under the provisions of paragraphs one (1) and two (2) of this section there shall be added and made a part thereof an additional amount, by way of penalty, equal to five per cent (5%) of such tax and additional tax, plus one dollar (\$1.00), and an additional one per cent (1%) interest for each month or fraction of a month during which the tax and/or additional tax remains unpaid. The interest provided for herein shall in all cases be computed from the date the return was originally required to be filed.

4. If the amount of the tax as determined by the board shall be less than the amount theretofore paid, the excess shall be refunded with

interest after sixty days from the date of payment at six per cent (6%) per annum under the provisions of such regulations as may be prescribed by the board.

5. All payments received must be credited first, to the penalty and interest accrued, and then to the tax due.

6. The board shall have power, upon making a record of its reasons therefore, to waive or reduce any of the penalties and/or interest provided for herein.

7. Any person who, with fraudulent intent, refuses to pay any tax or to make, render, sign or verify any return, or to supply any information within the time required by or under the provisions of this division, shall be liable to a penalty of not more than one thousand dollars (\$1000.00) to be recovered by the Attorney General in the name of the state by action in the District Court. The board shall have the power to compromise the penalty imposed by this sub-section. Such penalties shall be in addition to all other penalties in this division provided.

8. Any person required to make, render, sign or verify any return or supplemental return, who makes any false or fraudulent return, with intent to defeat or evade the assessment required by law to be made, shall be guilty of a felony and shall upon conviction, for each such offense, be fined not less than five hundred dollars (\$500.00) and not more than five thousand dollars (\$5000.00) and be imprisoned not exceeding one year, or be subject to both fine and imprisonment, in the discretion of the Court.

9. The failure to do any act required by or under the provisions of this division shall be deemed an act committed in part at the office of the board in Iowa. The certificate of the board to the effect that a tax has not been paid, that a return has not been filed, or that information has not been supplied, as required under the provisions of this division shall be prima facie evidence thereof."

By unanimous consent, on request of Senator Stanley subsection 6 was amended by striking therefrom the word "therefore" and inserting in lieu thereof the word "therefor"; also by striking from subsection 8 the word "and" after the figure "\$5000.00" and inserting in lieu thereof the word "or".

Senator Patterson moved to defer action on the amendment.

The motion was adopted.

Senator Stevens of Wapello offered the following amendment and moved its adoption:

Amend by inserting the following as section 24 and renumbering the remaining sections;

"Sec. 24. Jeopardy Assessments.

1. If the Board believes that the assessment or collection of taxes will be jeopardized by delay, the Board may immediately make an assessment of the estimated amount of tax due, together with all interest,

additional amounts or penalties, as provided by law, and demand payment thereof from the taxpayer. If such payment is not made, a distress warrant may be issued or a lien filed against such tax payer immediately.

The Board shall be permitted to accept a bond from the taxpayer to satisfy collection until the amount of tax legally due shall be determined. Such bond to be in an amount deemed necessary, but not more than double the amount of the tax involved, and with securities suitable to the Board."

By unanimous consent on request of Senator Stevens of Wapello the word "suitable" as it appears in the last line thereof, was changed to "satisfactory".

The amendment was adopted.

Senator Shangle moved that the committee of the whole arise.

The motion prevailed and the Senate resumed regular session.

HOUSE MESSAGES CONSIDERED

House File 47, a bill for an act to protect trust funds set aside for the care, upkeep, and maintenance of graves and burial places, and to grant to such funds a preference in the settlement of the affairs of insolvent banking institutions.

Read first and second times and referred to committee on banks and banking.

House File 97, a bill for an act to amend sections forty-four hundred eighty-five (4485), forty-five hundred three (4503), and forty-five hundred five (4505), Code, 1931, and to repeal section forty-four hundred eighty-six (4486), Code, 1931, all relating to the permanent school fund.

Read first and second times and referred to committee on public schools.

House File 134, a bill for an act to amend Chapter one hundred fifty-six (156), Section one (1), Acts of the Forty-fifth General Assembly, relating to the right of the superintendent of banking to take possession of banking institutions without insolvency proceedings.

Read first and second times and referred to committee on banks and banking.

House File 141, a bill for an act to make permanent the transfer

of funds in Washington Consolidated Independent School District, Dallas County, Iowa.

Read first and second times and referred to committee on judiciary No. 2.

House File 137, a bill for an act to amend Chapter one hundred eighty (180), acts of the Forty-fifth General Assembly, relating to the appointment of referees in probate matters.

Read first and second times and referred to committee on judiciary No. 1.

Senator Frailey moved that the Senate defer any action on tax revision bills until Monday at 10:00 a. m.

Senator Calhoun moved to amend by adding “, also Senate File 43.”

The amendment was adopted.

The motion prevailed.

THIRD READING OF BILLS

By unanimous consent on request of Senator Nelson the rules were suspended and House File 134, a bill for an act to amend Chapter one hundred fifty-six (156), Section one (1), Acts of the Forty-fifth General Assembly, relating to the right of the superintendent of banking to take possession of banking institutions without insolvency proceedings, with report of committee recommending passage, was taken up, and considered.

The bill was read for information.

Senator Irwin moved to defer action and that House File 134 be referred to the committee on banks and banking.

The motion prevailed.

Senator Patterson filed a minority report for himself and Dr. E. E. Munger, M.D., both men being members of the special committee appointed under the provisions of House joint resolution No. 7, acts of the Forty-fifth General Assembly:

MINORITY REPORT OF THE COMMITTEE ACTING UNDER
HOUSE JOINT RESOLUTION NO. 7, OF THE 45TH GENERAL
ASSEMBLY, REGULAR SESSION

His Excellency the Governor, the Lieutenant Governor, the Speaker of the House, Members of the Forty-fifth General Assembly in Extraordinary Session:

Pursuant to the provisions of House Joint Resolution No. 7 and the request that your Committee be not discharged, which was attached to their preliminary report, the undersigned, the minority of the committee, not entirely agreeing with the committee report, desire to express their views on a subject of vital importance to every man, woman and child now living or soon or hereafter to be born in Iowa, if not in the United States; and of great economic importance to the taxpayers and to those who still harbor the hope that they, too, sometime may add to Iowa's income, if not to that of the United States.

House Joint Resolution No. 7 made it incumbent upon the committee to report back to the 45th General Assembly at the earliest possible moment the results of their consultations and conferences, with such recommendations as to the committee seem fit and proper, for the deliberate consideration of the Governor, the Senate and the House of Representatives and for such further action by them as circumstances warrant.

The Committee having been duly organized, a sub-committee of three was appointed to "hold a consultation with the faculty, or with individual members of the faculty of the State University of Iowa Medical College and with the staff or with members of the staff of the State University Hospital;" they were also to "confer with the State Board of Education or members thereof and with the president of the State University and with any or all agencies having knowledge of conditions and being in a position to offer suggestions as to remedies."

At the organization meeting in Des Moines, March 7, 1933, the chairman of your committee "in order to obtain information for the use of the committee," was requested "to interview and consult with such individuals and agencies outside the State of Iowa as may have a vital interest in the university hospitals." This gave your chairman carte blanche to go outside the state in an effort to solve the riddle of the adult indigent law. He has been asked by no one to give an account of his activities at the expense of the State of Iowa, and he feels that now, before stating the objections of the minority to the committee report, he should briefly detail his itinerary and invite attention to the results of his consultations and conferences, which will follow in the minority report.

On March 12th, 1933, he arrived in Chicago; on Monday, the 13th, discussed with Drs. Olin West and Wm. D. Cutter Iowa's predicament and made an appointment with Dr. W. S. Houghton; Tuesday, the 14th, a long conference with Drs. Cutter and Houghton at the office of the Council on Medical Education and Hospitals of the American Medical Association; Wednesday, the 15th, luncheon and conference with Dr. Houghton at the University of Chicago Clinics, at which time Dr. Houghton kindly consented to give your chairman a note of introduction to Dr. Allen Gregg, Secretary of the General Education Board, Rockefeller Founda-

tion; Thursday and Friday, the 16th and 17th, correspondence; Saturday and Sunday, the 18th and 19th, Chicago to Washington; Monday, the 20th, Department of Agriculture—desired to see Secretary Wallace but Under-Secretary C. W. Ackerson, with much diplomacy, said, "Sorry, but impossible"; no difficulty experienced in getting an appointment with the office of the Bureau of Agricultural Economics, although the chief, Dr. Galpin, was not there; Tuesday, the 21st, called at the offices of Iowa's Senators and Congressmen; Wednesday, the 22nd, Bureau of Agricultural Economics, then Surgeon General's office, Dr. C. E. Waller; Thursday, the 23rd, New York Academy of Medicine; phoned Dr. Nathan E. Van Etten, who suggested seeing Dr. E. H. L. Corwin for further appointments; Friday, the 24th, conference with Dr. Willard C. Rappleye, Dean of Columbia University, Director of the Study made by the Commission on Medical Education; luncheon with Dr. and Mrs. Van Etten at their home; conference lasted all afternoon; Saturday, the 24th, conference at offices of Commonwealth Fund with Mr. H. J. Southmayd and Dr. L. J. Evans; then to the Rockefeller Foundation to meet Dr. Allen Gregg; Dr. W. S. Houghton of Chicago former Dean of the State University of Iowa College of Medicine, was present; Dr. Frederick F. Russell, M.D., Director of the International Health Board, and Dr. W. A. McIntosh were called into the conference, which lasted long after closing time in New York City.

From this conference the chairman of your committee brings to the 45th General Assembly in Extraordinary Session, direct from the lips of Dr. Allen Gregg, whose countenance radiates probity, these words: "The gift to Iowa was an outright gift with no strings attached—there were no commitments, gentlemen's agreements or understandings of any kind." Your chairman came away with the impression, although no one said so, that the Rockefeller people were as badly disappointed with their investment as the state of Iowa is with theirs.

The chairman of your committee expresses the hope that at some future time, not too far distant a conference may be held to further discuss the important subjects of the conversations with Drs. Russell and McIntosh, and Dr. Waller of the Surgeon General's office.

Monday, the 27th, to Baltimore to keep appointment at Johns-Hopkins Hospital with Dr. Dean Lewis, President of the American Medical Association. Wednesday, the 29th, again at the Bureau of Agricultural Economics in Washington.

The preliminary report stated that the chairman of your committee "consulted with the officials of the Brookings Institution in Washington, D. C." He did spend a pleasant social hour with Mr. H. P. Seidemann at the institution. Iowa's troublesome problem was mentioned, but not discussed. Thursday, the 30th, Chicago; Friday, the 31st, arrived Des Moines and went to the office of Dr. Oliver J. Fay, where the report of the committee was read. The chairman of your committee concurred in Senator Hicklin's dissent and dictated the letter of transmittal, making the report preliminary. He then signed both the report and the letter.

Having come now to the committee report, recent events cause the minority to wonder whether there is enough left of it to either subscribe or object to. While the minority were endeavoring to prepare their re-

port objecting to and agreeing with parts of the committee report which had already been delivered to the Speaker of the House and released to the press, the Des Moines Register, Saturday, Nov. 18th, carried a report that "pressure from non-members" had caused members of the interim committee of nine to change their minds. The Register stated someone "wished to have members of the committee hear the University's attitude on the committee's previous recommendations."

The minority worked away as best they could, the chairman being confined to his hotel for more than a week, in the belief that when a committee report was delivered to the assembly, it had at last found a place of refuge. The committee had notified the press there would be a minority report, and not able to resist the temptation, released, from carbon copies sent to each member of the committee prior to its last meeting, what they assured the public would be among the minority's recommendations.

The minority were laboring under the impression that the majority, after they had substituted nearly everything the University had requested for what they (the majority) had incorporated in the preliminary draft, had been fairly faithful in hearing the "University's attitude" "on the committee's previous recommendations." In fact, from the mass material presented at committee meetings, the minority believed the matter had been given exhaustive study. Somehow, perhaps by reason of the provisions of House Joint Resolution No. 7, the minority had gotten the idea that inasmuch as the University Medical College, Hospitals, etc., was an institution of some dimensions, belonging to the State of Iowa, the committee was going to make a report to the 45th General Assembly and permit them, along with the Governor, to give the whole matter "deliberate consideration" and take such "action as circumstances warrant."

If the adult indigent law is to remain in the statutes of Iowa, the minority stand just where they did when they signed the preliminary report. However, the minority challenges the statement of the majority that "the Perkins-Haskell-Klaus law was for the purpose of supplying adequate clinical material for the instruction of students of the College of Medicine." The minority grants that may have been the purpose of the promoters, but it is not so stated in the law, and they would not presume to assume the function of the Supreme Court of Iowa.

A little while before the recent muddle the Brookings report appeared in the press with "recommendations suggested in Appendix C, on medical care of the indigent sick in the hospitals of the State University of Iowa." Any country doctor who reads the history under I, A, B, C, D, II, III, IV, V, then turns the covers back and gently palpitates the abdomen, will tell your honorable body that it is a dangerous appendix and prompt removal offers the only hope for the patient. Their recommendations follow:

I. They would not have the Perkins-Haskell-Klaus law modified—only minor modifications.

A. "That the county auditor, or in counties with trained social workers, those agents should investigate indigency instead of the county attorney." This is at variance with the committee recommendation, who would place that duty under the direction of the county Board of Supervisors; with this the minority agree.

B. Both the Brookings Institution and the committee agree the physician's examination fee should be reduced from five dollars to three dollars. Neither states why it should be made three dollars instead of two as recommended by all members of the committee of nine in their preliminary report. Without reason, the minority cannot be so fickle.

C. "The patient's escort's fee should be reduced from three dollars to two dollars a day." All members of the committee of nine subscribed to this in their preliminary report.

D. "Section 4021 of the code of Iowa, 1931, should be amended to conform with practice." The minority believe that would establish a bad precedent.

II. "Appropriations for the indigent service at the University hospitals should be increased sufficiently to run those hospitals to capacity." The first selective recommendation of the minority report ought to satisfy the most voracious appetite for indigents.

III. "The law should be amended to authorize the state board of education to establish and enforce locally as far as is practical a county patient quota plan, to apportion annually as equitably as possible the available services." The minority believe, after some thought, that this does qualify as a "minor modification" for the reason that while it proposes to put teeth in the law they can be only false teeth and are sure to rattle and fall out. As to the impracticability of the "county patient quota plan," both the majority and the minority were in complete accord.

IV. "A hospital field agent is necessary to link the hospitals with the service in local communities, to establish a better understanding of the service and constantly to check on the operation of the law from the point of view of the people." That is a high sounding phrase, but the minority respectfully suggests, that if the adult indigent law is to remain in the statutes, a much more important function for the field agent would be for him to be on the alert to locate those who die enroute to the hospital or soon after arrival, and assist in getting them back to the family undertaker.

V. "Local county provisions for medical aid to the indigent sick should be reconstructed along lines suggested above: (1) Filling the county's quota intelligently; (2) supplementing that quota with such local service as will put the medical and hospital service to indigents upon an acceptable level in co-operation with the local medical society." The minority pleads inability to comment on this paragraph without the aid of an interpreter.

The minority is in complete accord with recommendation I of the Brookings Report that "the Perkins-Haskell-Klaus law should not be modified." It should be repealed, the Perkins law restored to its original status and the adult indigent law forever scrapped. It is an abominable law—made up of incongruities, inconsistencies and impossibilities, incompatible with common sense. It makes possible, if it does not encourage and compel the perpetration of fraud; fraud upon the indigent and the tax payers, fraud upon the sick and well, fraud upon the reputable faculty of the college of medicine, fraud upon the medical students, fraud upon the reputable medical profession of the state, fraud upon the patient with

heart disease, who runs after advertised remedy, when he should be at home, quiet in bed; fraud upon the severely injured, especially skull fractures, whose lives are jeopardized or lost by reason of the long haul; fraud upon the aged and decrepit, who should be encouraged to die at home among comforting friends. Iowa's adult indigent law is the alpha and omega of all that is bad in legislation providing for the state care of sick indigents. There is no law in the United States to compare with it.

The majority, having completed the committee report, debated how best to present it to the 45th General Assembly. They looked around for a mild-eyed broncho, named her Iowa, and saddled her with their study of the situation; they put under the saddle a blanket woven out of the "elimination of the waiting list," "the quota plan," "the county whole-payment plan," "the county part-payment plan," "the limitation of the number of medical students," "economic considerations" and nine recommendations. They decorated the flaps of the blanket with "forms of proposed laws to carry out the recommendations." These "proposed laws" had been drafted largely in accordance with the wishes of the university authorities.

The minority felt that their report was a bit more humane and constructive than that of the committee and argued that the adult indigent law was a lump in a woman's breast, that it was malignant and that delay in advising radical measures was unjustifiable on any grounds. But when minority is told to go back and sit down, discretion suggests compliance—at least for a time.

The committee led their pony to the capital and found a stall for her; there was a little sign, hardly legible, on the saddle which read "Ride her, Cowboy, ride her." University folks knew about it, so it wasn't long before a couple of tenderfeet came over and took a look at "Iowa." Then a few got together and held a rump caucus—someone called it a committee meeting. The university folks looked at the saddle and said "It isn't on straight, needs adjustment." So they loosened up the girth and took some of the blanket out and put other pieces in. Being connected with the university instead of a veterinary college, they didn't know very much about ponies and when they tightened the belly-band, they put it quite a little farther back than the pony was accustomed to. So long as she was riderless it did not matter. They little dreamed that those additions were full-grown cockleburns between the saddle and a very thin blanket. These novices went home and someone told the newspapers about what had happened. Next day Erskine and Sternberg heard about the "committee meeting" and through Verne Marshall in the Cedar Rapids Gazette of Friday, November 17th, they had a lot to say. They had gone the limit in keeping inviolate whatever understandings there may have been between the majority and university authorities. For this example of fidelity the minority had only praise. The minority had no entanglements. Monkeying with the saddle on their "Iowa" was too much; it was a thrust below the belt. It wounded them in that tender professional spot known as ethics and the wound was not made by confreres, but by intruders.

All this newspaper dope was ground up, some of it sprinkled with

gentian, to add to her oats and hay, some of it mixed with fluid extract of ginger, to add to the pony's drinking water—a real tonic. The date for the Rodeo is not yet set. When this important event is announced, Dr. Thos. Burcham, on invitation, may be available to assist with the mounts.

Returning to the Brookings Institution "program for long time and immediate development of state and county governments," the minority timidly inquires: Since when did the Brookings Institution become the Brookings Health Institute? Who are the physicians and surgeons in that establishment who have driven all over Iowa, night and day, in mud to the hub, horses on their knees while the tires sparked and flashed like emery wheels sharpening the plow-shares? If no physicians are on the faculty, why be so liberal with advice and demands in matters medical? From whom do they take advice or orders?

What business is it of the Brookings Institution where the State Medical Library is located? The medical profession of Iowa, the 38th General Assembly and Governor Harding settled that in 1919. They propose the establishment of a state Board of Public Welfare, with a lot more swivel chairs; they would re-make the State Board of Health with still more chairs and white collars. They even suggest "in the re-organization of the state department, provision should, if possible, be made for additional or other adequate quarters for the State Health Department." All of which means more taxes and more indigents, Iowa needs no imported sociological phantasmagoria.

Suppose one of these philosophers gets sick on his plantation along the Potomac, can his wife notify his philosopher neighbors and right away have thirty of them come over to his place, husk thirty acres of philosophy, which would spoil if not taken care of, wash their hands and faces, feet—if need be—in the watering tank, go in to a big feed and call it a grand time? The philosopher says it is not according to the modern concept of sociology. No? But it is human; it is the kind of neighborly concern for the other fellow that grows straight up with the tall corn and is the warp and woof of Iowa's social fabric. Why adulterate it with colorful shoddy?

To introduce these philosophic ideas into a state which rapidly is evolving its own medico-social program, is like adding another great toe to each foot; with nails polished and painted they may be highly ornamental, but at best they can only impede progress. What would the Brookings Institution philosophers say if a doctor of chiropody stepped in and told them what changes ought to have been made in state and county administration? The Chairman of your committee, not knowing what part of the thirty thousand dollars it cost to get the socialized medicine recommendations, makes bold to say that in his opinion they are not worth a nickel a ream.

If the Brookings Institution philosophers are still here, they are cordially invited to meet the minority at the foot of the Grand Stairway—grand is only feebly descriptive—fix their eyes upon "Westward" as they solemnly ascend; consider the progress that has been and is Iowa's. Let them lift their eyes to the mosaics in the balcony over the stairway, note "Defense", "Charity", the "Executive", the "Legislative", the "Judiciary",

"Education", and imagine health soon to find a niche; look around the rotunda, note the lunettes: "Hunting", "Herding", "Agriculture", "the Forge", "Commerce", "Education", "Science", and "Art"; if no heart disease, go on to the gallery by way of the winding stair, it gives a little time for reflection; turn their eyes to the West and read these words:

"The ideal state—that in which an injury done to the least of its citizens is an injury done to all."—Solon.

Since the committee report was filed a supplemental report appeared in the Senate Journal, Tuesday, November 21, 1933. It was signed by three members of the committee of nine. They had investigated the county quota plan and found "that it has reduced the waiting list of patients to a considerable extent, and provides for a more equitable division of indigent patients of all the counties of the state, and feel that it should be given a further trial, and recommend that with a suitable legal authorization, it be continued at least for a while." No explanation of how the quota plan brought about this reduction in the waiting list is offered. "Suitable legal authorization" appears in House File No. 112 and Senate File No. 81. In part it reads: "On the date this act becomes effective the commitments of all persons then waiting for treatment at the university hospital are hereby cancelled. Should commitments be applied for on behalf of any of those said patients within six months thereafter, they may be committed without regard to the thirty day provision of the preceding paragraph and they shall have preference as to sixty (60) per cent of the beds of the university hospital available for the use of indigent patients."

All the minority can say for Sec. 4018-f1—County Quotas—is that it is the superlative of confusion confounded. Is it any worse to suggest the repeal of such an inhuman law than it is to propose such merciless statutory disregard for "unprovided for sick and suffering." Does anyone believe that such legislation is not cockle-burs under the saddle of the pony called Iowa? Does anyone think she will not dislodge the rider when weight is put on the saddle?

Forget for the moment, "unprovided for sick and suffering," and find any consideration for the tax payer in either the committee report or the Brookings Institution socialized medicine recommendations, except on page 123 of the Senate Journal, Tuesday, Nov. 21, 1933, where the former says "Any solution of the problem of providing adequate care for the sick must also safeguard the supply of clinical material for the teaching needs of the College of Medicine, and must also take into account the necessity for avoiding all unnecessary expense during this time of unusual stringency. In other words, while humane care of the sick is our first duty, it should be so provided as to meet every need for clinical instruction at the University Hospitals, and at the same time not work any unnecessary hardship on the already overburdened tax payer."

The committee in their report already have advised the people of Iowa, through the press, of the minority's intention to have for one of its selective recommendations the repeal of the adult indigent law, the restoration of the Perkins law to its original status and take necessary steps to estab-

lish the clinical years of medicine in the city of Des Moines. The people were correctly informed by the Committee.

It is at once argued that such change is impossible because the constitution says all departments of the university must forever be at Iowa City. Is there anything in the constitution that requires the taxpayers of this state to stand on their heads, with their pockets turned inside out, in order that their feet may support a great university medical center until Gabriel blows his trumpet? If there is, it ought to be amended or repealed or prayer offered that the sound of that instrument soon may be heard. It is not proposed to move the Department of Medicine; it should remain at Iowa City. The proposal is to give the clinical years at Des Moines where many emergency cases fresh from the street make the hospitalized clinical material of much better quality and the number of out patients, so necessary for the teaching and training of medical students, is so much greater that the minority wonders why the reputable faculty does not request the change. Much of the clinical material at Iowa City is second, third or fourth hand often gathered from the discard and of little or no value for clinical teaching purposes. If legal advice is to the effect that change in the constitution is necessary to save the state one million dollars (\$1,000,000.00) a year and make a better medical school by salvaging a much better quality and quantity of clinical teaching material than is now provided, surely someone will initiate the steps necessary to effect the change.

Is it not time that someone suggested diplomatic negotiations on the part of the state of Iowa with the County of Polk and the city of Des Moines with a view to determining what reciprocal relations might be established that would save the state a million or more dollars a year, lift a part of the load from Polk County which would be reflected to every other county in the state and be the salvation of the State University of Iowa Medical College?

The attention of your Honorable Body is invited to the following comparative tabulation of clinical teaching material at Broadlawns Polk County General Hospital with 100 beds and at the University Hospital at Iowa City with 954 beds.

BROADLAWNS GENERAL DEPARTMENT—FIGURES FROM ANNUAL REPORTS

Year	No. Out Patients Treated	No. In Patients Treated	Total Number Pts. Treated	No. of Out Patient Visits	Hospital Days Care Rendered	Average Length of Stay in Hosp.	Daily Average	Tuberculosis Department		Contagious Department	
								No. of Patients Admitted	Days Care Rendered	No. Patients Adm'd	Days Care Rend.
1928	3,632	2,600	6,232	19,791	32,899	12+	90+	180	25,251	266	4,544
1929	4,896	2,589	7,485	19,261	31,352	12+	86—	171	27,693	370	8,033
1930	6,208	3,004	9,212	30,370	34,758	11+	95+	176	26,380	336	5,540
1931	14,699	3,313	18,012	40,714	36,722	11+	100+	172	25,225	237	3,705
1932	18,818	4,076	22,894	51,576	37,669	9+	103+	143	23,797	251	4,320
For 10 Months 1933	24,886	3,657	28,543	67,998	32,140	9—	88+				

INDIGENT INDIVIDUALS TREATED AT UNIVERSITY HOSPITAL

Taken from Report of the Committee on Medical Education and
Hospitals—Handbook for the House of Delegates—
May 10, 11, 12, 1933.

	No. Out Patients Treated	No. In Patients Treated	Total No. Pts. Treated
1928-1929	1,407	5,662	7,069
1929-1930	1,263	6,957	8,220
1930-1931	2,064	7,551	9,615
1931-1932	2,225	8,719	10,944

For detailed reports see Addenda A. 1.

DELIVERIES—BROADLAWNS GENERAL HOSPITAL

1928	238
1929	202
1930	232
1931	339
1932	394
1933, for first ten months as shown below.....	417
January	50
February	47
March	43
April	40
May	41
June	42
July	42
August	35
September	32
October	45
	417

Clinic Visits—Obstetrical Patients 1933.

	Prenatal		Postnatal	
	Patients	Visits	Patients	Visits
January	104	217	18	22
February	92	154	11	14
March	98	184	19	30
April	96	194	23	39
May	119	191	16	20
June	99	151	17	20
July	89	148	17	23
August	81	139	18	24
September	91	178	12	14
October	94	171	9	15
	963	1,727	160	221

In passing let the chairman of the committee of nine say, that in all his conferences with able, informed persons, professional and non-professional, no more constructive and statesman-like statement has been heard than that made by Dr. Charles H. Sprague, Superintendent of Broadlawns Polk County Public Hospital, only a few days ago: He "believes the state should maintain a medical college, when and where there is sufficient clinical teaching material to enable it to maintain a Class A standard, large enough to graduate each year a number of physicians sufficient to comply with the law of supply and demand. In return for what the State has done for the students, the state should require that the graduates give two years of service as internes in the hospitals of the state." Why is the state engaged in the business of medical education unless it is to have some return from its investment?

Just as the minority were about to call their report finished, here came House Joint Resolution No. 2, November 24, 1933, reciting a lot of old stuff. (See exhibit D). It calls to mind a conversation of the Chairman of your Committee with Dr. W. S. Houghton at the office of Secretary W. D. Cutter, on March 14th, 1933, at which time Dr. Houghton said about all the words that are in H. J. R. No. 2 and added as nearly as it is possible to quote conversation, "The county payment plan will close the institution. It is unthinkable, but we may have to open the hospital to citizens of the state without restrictions." There was considerable more conversation, which need not be repeated at this time.

Suppose now the 45th General Assembly in extraordinary session drop from the picture, for the time being, the State Board of Education and administrative officers, they are not licensed to practice medicine in Iowa. Call the faculty of the College of Medicine, ask them how they would like to get out from under lay domination.

Call Dr. Oliver J. Fay and Dr. E. D. Plass, ask either one if Dr. Fay did not say he "had no desire to interfere with the flow of clinical material which is necessary for you to properly instruct your students in obstetrics and gynaecology;" also that he had no "desire to interfere in any way with the teaching of medicine at the State University of Iowa;" ask if he did not propose to "lean over backwards to help any where that he could to keep the medical department of the State University of Iowa on its present high level." See Exhibit L.

Just how entangled must the reputable profession of Iowa become to satisfy the greed of Iowa's imported octopus? Didn't Dr. Fay, along with Drs. Erskine and Sternberg, go to about the limit of human endeavor to be on the square?

Call in the Drs. Mayo, widely known and justly famous; ask them what they think of the long haul for acutely sick and injured; ask them what they think of Iowa's clinical teaching facilities?

Call in Dr. Rappleye, although that is hardly necessary, for you have his book, marked Exhibit M. Dr. Walter L. Bierring, State Commissioner of Health, was a member of that commission and will, no doubt, be glad to explain any of the more technical medical education discussions.

Call in your family physicians, who ushered most of you into the world and who will be the medical court of last appeal for you before the final summons. Ask them how the adult indigent law functions.

Call Wm. D. Cutter, Secretary of the Council on Medical Education and Hospitals, or better, call the Council; Dr. Cutter has not been Secretary very long. Ask them when the last inspection of the State University of Iowa Medical College was made for rating purposes. Ask if it wasn't November 14, 1919?

Call in A. M. Schwitalla, S.J., Ph.D., President of the American Catholic Hospital Association, just to get the reaction of an eminent priest.

Refer to exhibit N; read for yourselves digests of all the laws in the United States having even the slightest similarity to Iowa's adult indi-

gent law. Read letters, commitment blanks, etc. from the Deans of University Medical Colleges.

While you are asking questions, ask someone how it happened that in the laws of 1919; 86 Ch. 76, Section 1 read as follows: "Whenever it shall appear to any physician, county supervisor, township trustee, public health nurse, overseer of the poor, policemen, priest or minister, that there is any legal resident of his or her county, etc." was changed by reason of Code Commissioner's Bill No. 92 which provided for amendments "for the purpose of remedying defects in the statutes, discovered in their practical application." Section 2 says "it shall be the duty of physicians, public health nurses, members of boards of supervisors and township trustees, overseers of the poor, sheriffs, policemen, and public school teachers, having knowledge of persons suffering from such malady or deformity, to file or cause such complaint to be filed." What was the defect that made it necessary to drop out "priest or minister?" See exhibit O.

No question mark was ever placed after S. U. I. Medical College in the days of Doctor W. F. Peck, he with the Civil War middle finger; Pappy Farnsworth with his little dog trot, but who knew his materia medica and therapeutics; Dr. J. C. Schrader with his leather manikin and mulato leather baby, with which he taught pretty good obstetrics, especially in his remarks about meddlesome midwifery; Dr. C. M. Hobby, austere, but able, who knew his eyes and ears; Dr. Elmer F. Clapp, the eminent anatomist and the Chauncey DePew of the faculty; Dr. Wm. D. Middleton, the perfect gentleman-surgeon, with no personal pronouns in his vocabulary; Dr. L. W. Littig, gruff, but a one hundred percenter; Dr. J. R. Guthrie, physiology; Dr. Woods Hutchinson, the gifted anatomist, the scholarly gentleman, later of Saturday Evening Post fame; Dr. Charles S. Chase, loquacious, but brilliant and honest; Dr. James W. Dalby, ophthalmology and otology; Dr. Walter L. Bierring, pathology and bacteriology; Dr. A. C. Peters, laryngology and rhinology; F. S. Aby, normal histology; E. McClain, medical jurisprudence; Dr. Gershom H. Hill, psychiatry; E. L. Boerner, pharmacy; Dr. J. W. Harriman, anatomy; W. T. Barlow, chemistry; W. R. Whiteis, pathology and bacteriology; Albert M. Barrett, histology; Dr. W. E. Robinson, anatomy; Frank Carroll, chemistry; Billy Green, anatomist par excellence; Elbert R. Rockwood, comparable to Dr. Walter S. Haines—shades and shadows of them all, look at us now!

Iowa's adult indigent law is a smoldering fire, every now and then bursting into blaze. It will burn to the first, second or third degree, those who play about it, just in proportion to the zeal and zest with which the moth flies into the flame. It will put toxins in the professional blood, albumen in the professional renal secretion, it will make professional dizziness, headache and nausea; it may blight, if it does not blast, what, in a normal environment, might become eminent professional careers.

The adult indigent law, in its operation, keeps highminded competent, ethical men constantly between Scilla and Charbidus, and when out of that channel they find themselves between the devil and the deep sea.

Again, the chairman of the committee of nine asserts it is an abominable law and he speaks with knowledge.

Coming soon to the minority report proper, let a moment be taken to recall a little history. The speaker of the house, along with sixteen other representatives and fifteen senators must have had some rare kind of foresight which public hindsight is just beginning to see, when in the 40th General Assembly they voted No on both the donation and appropriation. They were:

	Senators		Representatives
Brookhart	Nelson	Aiken	Miller
Brookins	Price	Anderson	Napier
Browne	Romkey	Berry	Orr
Cessna	Shinn	Blume	Rewolt
Eithel	Snook	Dooley	Scott of
Fulton	Thurston	Fackler	Appanoose
Johnson	Tuck—15	Frahn	Smith of Lucas
McIntosh		Huff	Stokesberry
		Leonard	Ulsted—17

Nobody ever sold them the Brooklyn Bridge, the Chicago Art Museum or an heirship to a Dr-eam estate.

When, during supposedly prosperous times, the state of Iowa enlarged its medical education program, it did just what many of its citizens did in various fields of industry, it invested heavily and grievously encumbered itself with tax obligations, giving little thought to a day of reckoning.

In May, 1929, at the annual meeting of the Iowa State Medical Society the House of Delegates, on the recommendation of the Committee on Public Policy and Legislation, passed a resolution authorizing the Council to appoint a Committee on Medical Education and Hospitals. Their duty was: "(1) to collect information relative to the medical care of the indigent sick in Iowa; (2) to secure information as to the costs of such care in Iowa as compared with the costs in other states of relatively equal and like population; (3) to collect information as to the operation of the Perkins-Klaus Laws as they pertain to the commitment of indigent persons to the University Hospital and the cost to the state of the same; (4) to determine to what extent the operation of these laws supplies the Medical Department of the State University with proper clinical material for teaching purposes, and to collect such other information relative to medical education and hospitals as may be of value to the profession of the state."

The members of this committee were Drs. B. L. Eiker, Chairman, Leon, Arthur W. Erskine, Cedar Rapids, A. V. Hennessy, Council Bluffs and Mr. Vernon D. Blank, Executive Secretary. Their report was made at a special meeting of the House of Delegates held in Des Moines, December 17, 1930, in its foreword the committees said:

"It is the purpose of this report to present a careful study of the various economic, social, educational and medical problems connected with the care of the indigent sick in Iowa.

"The public, the tax payers, the legislators, the courts, the College of Medicine and hospital authorities, the medical profession and the indi-

gents of Iowa each have separate and distinct relations, and separate and distinct reactions to this problem.

"That there has been criticism and dissatisfaction is evidenced by the fact that in both the Forty-second and Forty-third General Assemblies there was introduced legislation intended to modify the laws governing the operation of the University Hospitals and the commitment of indigent patients thereto. Discussion in connection with these proposed changes made it apparent that there was a lack of factual evidence upon which to base sound judgments."

The following excerpts are from the report:

"The laws of the State of Iowa direct the Boards of Supervisors to provide medical care for the indigent sick within their respective jurisdictions. The usual means of providing such care are employed in Iowa by the Board of Supervisors, either directly or through their representatives, the over-seers of the poor, are:

1. Medical care rendered on individual fee basis.
2. Contract with individual physicians.
3. Contract with County Medical Societies.
4. Provision for hospital care by county owned and operated hospitals.

"The amount of money spent by the various counties in the state during 1928, through their Boards of Supervisors, for the care of the indigent sick is set forth in Table I, page 8, the total amounting to \$446,970.78. The amount of money spent from State funds in the operation of the Perkins, Haskell-Klaus Law for the period ending December 31, 1928 was \$903,835.78. The grand total spent by the State of Iowa for its care of the indigent sick through the two sources previously referred to was \$1,350,806.56 for the calendar year 1928. (The distribution according to counties of the state funds expended under the Perkins, Haskell-Klaus Law during the year ending June 30, 1930, is shown in Table II, pages 10 and 11.)"

For the year 1931 the amount expended by the various counties through the Boards of Supervisors, for the care of the sick indigent was \$648,470.64. The amount appropriated from state funds, in the operation of the Perkins, Haskell-Klaus Law for the year ending June 30, 1931 was \$1,000,000.00, a total of \$1,648,470.64. For the year 1932 supervisors spent approximately \$1,000,000.00 and the state, through its indigent hospital, another \$1,000,000.00. If to this amount were added the money spent by various charitable organizations and by individuals for the relief of the sick indigent in Iowa the total would be augmented by thousands of dollars; if to this sum were added the value of the services of physicians, surgeons and hospitals in Iowa, donated to the indigent and to a great number of deserving poor, this total would be increased by many more thousands of dollars, and if to this total were added the value of services rendered by physicians, surgeons, hospitals and nurses to dead-beats, who deliberately contracted the obligations, with no thought or intent of paying for same, the whole sum would stagger right minded persons and put to shame, if not silence, the sharpest and most subtle critic of the reputable medical profession.

Chapter 199 of the 1924 Code of Iowa provides for medical and surgical treatment of indigent persons as follows:

4005—COMPLAINT. Any adult resident of the state may file a complaint in the office of the clerk of any juvenile court, charging that any legal resident of Iowa residing in the county where the complaint is filed is suffering from some malady or deformity that can probably be improved or cured by medical or surgical treatment or hospital care, and that neither such person nor persons legally chargeable with his support are able to pay therefor.

4006—DUTY OF PUBLIC OFFICERS AND OTHERS. It shall be the duty of physicians, public health nurses, members of boards of supervisors and township trustees, overseers of the poor, sheriffs, policemen, and public school teachers, having knowledge of persons suffering from any such malady or deformity, to file or cause such complaint to be filed.

4007—"PATIENT" DEFINED. The word "patient" as used in this chapter means the person against whom the complaint is filed.

4021—TREATMENT OF OTHER CHILDREN. The hospital authorities may in their discretion receive into the hospital for medical or surgical treatment or hospital care, patients under sixteen years of age not committed thereto under the provisions of this chapter; but the treatment or care of such patients shall not in any way interfere with the proper medical or surgical treatment or hospital care of committed patients.

All of the provisions of this chapter except as to commitment of patients shall apply to such patients. The hospital authorities shall collect from the person or persons liable for the support of such patients, the cost of such care and treatment, determined as in this chapter provided, and shall deposit it to the credit of the hospital fund.

"This section provides for cost patients under sixteen years of age, and is a remnant of the original Perkins law which applies to the Orthopedic Hospital. However, the same principle of procedure has been applied by the hospital administration to the general hospital."

4025—TREATMENT GRATUITOUS. No physician, surgeon, or nurse who shall treat or care for such patient shall charge or receive any compensation therefor except the salary or compensation fixed by the state board of education to be paid from the hospital funds.

"The four classes of patients admitted to the hospital are defined as follows:

"1. STATE. Those patients admitted under the Perkins, Haskell-Klaus Law. The expenses of these patients are paid by the state from the appropriation.

"2. COST. Those patients referred by practicing physicians outside the hospital, and recommended as worthy of hospital care but unable to pay professional fees, and who therefore pay only the basic hospital costs. In order to be admitted to such service a physician must sign a form setting forth the above facts.

"3. PAY. Those patients who are admitted to the private wards and who pay all fees, including professional, but who are receiving treat-

ment in departments which are on a full time basis. These fees are placed by the Treasurer of the University in a special fund which may be used only for the scientific work of the department concerned, upon the approval of the President and Dean.

"4. PRIVATE. These patients are the same as (3) above except that these are receiving treatment in departments which are on a part time basis, so that the professional fee goes to the individual faculty member."

According to table VIII on page 21 of the report for the year ending June 30, 1930, hospital earnings from private patients were \$100,317.83; cost patients, \$64,018.23; staff patients, \$11,539.50; out patients, \$55,903.88; total, \$231,779.44. Total hospital receipts, \$1,231,845.11.

That committee further reported: "The increasing number of patients waiting for treatment at the University Hospitals (at that time 1,934) is becoming a matter of grave concern to the patients themselves, the physicians attending them, and the university authorities." It pointed out some of the reasons for the large waiting list as follows: Increase in indigency, abuse of the law, misinterpretation of emergency, misrepresentation of degree of indigency, commitment of unnecessary cases, incomplete investigation, improved facilities of transportation, expenses paid from state funds and limitation of beds." To these may be added, quoting from another source, "It is one of the weaknesses of human nature which some people find hard to resist, to want to get something for nothing."

There are those who think the most important reason for the constantly increasing number of adult sick indigents, seeking treatment at the University Hospital, is the adult indigent law itself, exacting an annual toll of \$1,000,000.00, apportioned to the ninety-nine counties in sums varying between \$5,000.00 and \$58,000.00, and definitely, if not completely, blocking attempts at the solution of the sick indigent problem in the community, where, in part, it originates and where, ultimately, it must be solved. This state appropriation not only interferes with the solution of the community sick indigent problem, but also with the solution of the health and economic problems of both the sick and well tax payer. The enlargement of the medical school, of which the hospital is an integral part, was conceived with the noble idea of providing a "comprehensive system of taking care of the poor of the state." How well it has fulfilled its purpose can best be answered by surveys of your own communities.

The full report of the committee on Medical Education and Hospitals, replete with information concerning the operation of Iowa's Indigent law, is submitted herewith, marked exhibit A and made a part of the minority supplemental report.

Much as the minority desires so to do, they find it difficult to deal with the community sick indigent problem, including the ever increasing waiting list, and avoid reference to the College of Medicine. The enlarged University Medical College and Hospital program contemplated a school of 500 students. In 1920-21 the enrollment was 169 with 46 graduates; in 1929-30, there were 490 enrolled, 98 graduates.

Below is a comparative tabulation of population of cities where university medical colleges are located, number of students, graduates and teachers of 15 University Medical Colleges with state supported hospitals. Session 1932-33.

Statistics of Approved, or Class A, Medical Colleges*

State University Medical College** with state supported hospitals	Population of city where college is located	Number of students registered 1932-1933	Graduated since July 1, 1932	Teachers
Berkeley (82,109)				
California San Francisco.....	634,394	231	54	379
Colorado Denver	287,861	220	47	187
Illinois Chicago	3,376,438	637	118	293
Bloomington (18,227)				
Indiana Indianapolis	364,161	459	102	270
Iowa Iowa City	15,340	373	93	109
Lawrence (13,726)				
Kansas Kansas City.....	121,857	288	61	176
Louisiana New Orleans***.....	458,762	171	149
Maryland Baltimore	804,874	406	85	231
Michigan Ann Arbor.....	26,944	485	132	219
Minnesota Minneapolis	464,356	470	125	303
Nebraska Omaha	214,006	338	74	122
Ohio Columbus	290,564	365	86	129
Oklahoma Oklahoma City.....	185,339	255	56	138
Virginia Charlottesville	15,245	247	59	69
Wisconsin Madison	57,899	313	50	131

*From Educational Number Journal Medical Association August 26, 1933.

**For complete medical college data see Exhibit B.

***Louisiana State University Medical Center; recent.

It will be noted that the above State University Medical Colleges and Medical Center are located in large cities, except Iowa, Michigan, at Ann Arbor, near Detroit with its one and one-half million population; Virginia with only 247 students, 59 graduates; Wisconsin, 313 students, 50 graduates. In California the work of the first year is given at Berkeley, the last three at San Francisco; in Indiana the first year is given at Bloomington, the last three at Indianapolis; Kansas gives the clinical courses at Kansas City.

There are 77 class A, or approved, medical colleges in the United States. Six state university medical colleges and two others give only the first two years of the medical course, the last two years being taken at the college of the student's choice; they are Alabama, Missouri, New Hampshire (not university), North Carolina (one university, one other), North Dakota, South Dakota, Utah and West Virginia. There are 41 "university" medical colleges; some state, some private, and 13 whose names do not include "university". All of these function without state supported hospitals. Of the entire list only 8 exceeded in enrollment (1932-1933) the goal set for Iowa, viz. 500; these are Georgetown University, Washington D. C., registrants 591, graduates 132; Northwestern University, Chicago, R. 550, G. 124; University Illinois, Chicago, R. 637, G. 118; Harvard University, Boston, R. 519, G. 129; St. Louis University, R. 532, G. 115; New York University, University and Bellevue Hospital Medical College, R. 511, G. 122; Jefferson Medical College, Philadelphia, R. 572, G. 140; University of Pennsylvania, Philadelphia, R. 522, G. 138.

Besides these only thirteen exceeded Iowa's enrollment of 373 with 93 graduates for the session 1932-33; these are: College of Medical Evangelist, Loma Linda—Los Angeles, Registered, 389, graduates, 68; Loyola University School of Medicine, Chicago, R. 450, G. 114; Indiana University, Indianapolis, R. 459, G. 102; Tulane University of Louisiana School of Medicine, New Orleans, R. 474, G. 104; University of Maryland School of Medicine and College of Physicians and Surgeons, Baltimore, R. 406, G. 85, Tufts College Medical School, Boston, R. 462, G. 117; University of Michigan, Ann Arbor, R. 485, G. 132; University of Minnesota, Minneapolis, R. 446, G. 138; Long Island College of Medicine, Brooklyn, R. 424, G. 99; Columbia University, New York, R. 378, G. 116; Hahnemann Medical College and Hospital, Philadelphia, R. 469, G. 108; Temple University School of Medicine, Philadelphia, R. 449, G. 125; University of Tennessee, College of Medicine, Memphis, R. 401, G. 109.

The next table compares the number of beds, average patients and patients admitted to the state supported hospitals connected with university medical schools in table above.

State University Hospital Data*

State University Hospitals	Pop. of City Where Hospital Is Located	Beds*** Rated Capacity	Average Patients	Patients Admitted
California—San Francisco	634,394	255	162	5,329
Colorado—Denver	287,861	158	128	2,965
Illinois—Chicago—Research and Educational Hospital	3,376,438	355	227	5,128
Indiana—Indianapolis	364,161			
Robt. W. Long Hosp. (Affil.)		107	105	2,231
James Whitcomb Riley Hosp. for Children (Affil.).....		270	211	3,582
William H. Coleman Hosp. for Women (Affil.).....		68	63	2,795
Iowa—Iowa City	15,340	954	608	12,937
(Beds used for Indigents 550)				
Kansas—Kansas City (Bell Me- morial Hospital)	121,857	230	152	4,166
Louisiana—New Orleans	458,762			
** Charity Hospital		1,756	2,102	45,483
Maryland—Baltimore	804,874	250	250	5,343
Michigan—Ann Arbor	26,944	1,251	1,112	22,207
Minnesota—Minneapolis	464,356	420	332	6,452
Nebraska—Omaha	214,006	215	178	3,472
Ohio—Columbus	290,564	251	183	4,933
Oklahoma—Oklahoma City	185,389	440	445	6,346
Virginia—Charlottesville	15,245	289	194	6,994
Wisconsin—Madison	57,899	630	604	8,708

*From Hospital Number Journal American Medical Association, March 25, 1933. For complete hospital data see exhibit C.

**Established 1786. "No direct official connection between the Louisiana Medical Center and the Charity Hospital." (Personal letter.)

***Many of the state university medical colleges make use of beds in other hospitals for teaching purposes.

It will be noted that the number of hospital beds at Iowa's University Hospital is exceeded only by Michigan. Just why the state of Iowa should be ambitious in the field of medical education and research, with only indigents, taxes and a few pay patients for support, has not been made clear to the minority.

In 1932 two significant volumes were published dealing with medical problems, the Final Report of the Commission on Medical Education, Willard C. Rappleye, M.D., Director of Study, and the Report of the Committee on the Costs of Medical Care, Harry H. Moore, Ph.D., Director of Study. The following excerpts are from the former:

"The Commission on Medical Education was organized in 1925 by the Association of American Medical Colleges to make a study of the educational principles involved in medical education and licensure, and to make suggestions which would bring them into more satisfactory relationships with the newer conceptions and methods of university education, on the one hand, and with the needs of present-day society, on the other. It was believed that such a study would assist the efforts to develop a program adapted particularly to the educational, economic and social conditions in this country."

Quoting from this report it was pointed out in your committee's preliminary report that the supply of physicians in this country probably exceeds the need by at least 25,000, and it was recommended that the number of registrants at the state university of Iowa college of medicine be kept "within such limits as would produce for the last two years an average of 75 members for each of these years," and that the quantity of clinical material be correspondingly reduced. The average number of graduates for all medical colleges in the United States for 1933 was 73; average registrants 291. It is worth while in discussing Iowa's sick indigent problem and the waiting list in connection with a tax supported university hospital and medical college, which legislation had insured "an increase in hospital facilities and provided a comprehensive system for taking care of the poor of the state," to inquire what becomes of its graduates. Table 19, page 115, of the Commission's Report, shows "the extent to which recent graduates enter directly into the specialties":

Specialization Among Recent Graduates by Schools

All Medical Colleges	36.1%
Albany Medical College	41.8
University of Buffalo School of Medicine.....	26.2
Columbia University College of Physicians and Surgeons.....	39.1
Hahnemann Medical College of Philadelphia.....	14.7
Harvard University Medical School.....	64.1
Howard University College of Medicine.....	4.6
University of Illinois College of Medicine.....	31.1
STATE UNIVERSITY OF IOWA COLLEGE OF MEDICINE....	48.9
Jefferson Medical College of Philadelphia.....	26.0
Johns Hopkins University School of Medicine.....	75.1
Long Island College of Medicine.....	17.8
University of Michigan Medical School.....	43.5
University and Bellevue Hospital Medical College.....	25.3
University of Pennsylvania School of Medicine.....	39.4
University of Chicago, Rush Medical College.....	44.5
Stanford University of School of Medicine.....	55.8
University of Toronto Faculty of Medicine.....	36.0
Tufts College Medical School	27.5
Tulane University School of Medicine	36.1
University of Virginia Department of Medicine.....	61.5

The Commission comments: "It is well established that the percentage of specialists in the larger cities is much higher than in smaller communities. In such typical states as Wisconsin, Indiana and Louisiana twenty to thirty per cent of all practitioners in cities of 50,000 or more restrict themselves to a limited field, whereas in communities of 10,000 or less the proportion is about three per cent and in those of 5,000 or less, about two per cent." (See tabulation in preliminary report.)

"Not only is there a concentration of physicians in the larger cities, particularly of recent graduates, but a large proportion of them limit their practices to a specialty, often without a sufficiently broad clinical experience."

Table 37, page 283 of the report shows the source and amount of income of 63 schools for 1926-27. "A large but not readily isolated fraction of the total was for research work, which, in some instances, is conducted quite independently of the teaching program."

Income of Medical Schools

Students' fees	\$ 4,057,304
Endowment income	2,784,527
State or city	2,574,973
Other sources	2,567,059
	\$11,983,873

"The average cost of maintaining the medical schools was approximately \$794 per year per student for 1926-27. The average of the students' fees paid was \$254. These are only averages and in some of the medical schools the cost is now above \$3,000 per student per year."

The per capita cost of medical education to Iowa for 1929-30 has been given as \$665.00. If to the regular budget for medicine, less the receipts from tuition and fees, is added the appropriations for the university hospitals as integral units of the college of medicine, the per capita cost will be somewhat greater; if the per capita cost per annum of the 373 medical students is compared with that of the 6,373 students in all other departments, Iowa's generosity to medical education will be apparent.

Concluding the Commission's report on the cost of medical education is found the following comment: "It is highly important and desirable that some schools which can obtain liberal support should develop programs of research and the training of personnel, particularly for the scientific and teaching field, but it is neither necessary nor desirable that the large budgets of this group of schools should become the standard for all The large expenditures of some medical schools should not be regarded as the standard for all because medical students can be well trained in schools which have modest budgets."

Coming now to the Majority Report of the Committee on the Costs of Medical Care it may be quickly, and sanity suggests finally, dismissed by presenting what it had to offer to once rural states like Iowa. One suggestion was that "a university medical service may be expanded and developed to meet wider needs"; another that "In the rural areas our problems are more difficult. We will probably have to think there in

terms of 'medical stations' rather than elaborate hospital centers, of places where patients can come and doctors can go and where such facilities as are possible can be provided. With the present state of agriculture, particularly in the southern states, it does not seem likely that any adequate form of rural medical care can be carried out without support from the state or elsewhere. There is not enough in the way of resources." Where does the state's money come from, with which to expand its university medical service and leave to the tax payer a "medical station". Is Iowa's goal an ever increasing flow of indigents to its University Medical Center, or is it NO INDIGENCY IN IOWA? The fact of the matter is, Iowa is no longer rural; good roads have made every farmer a suburban resident of and much nearer to his county seat or nearest large town than are residents of cities living like distances out, by reason of less traffic and fewer stop signals.

The minority report of that committee has been summarized by Dr. Nathan B. Van Etten, in part, as follows: "The minority objects to the large medical center as projected by the majority on the ground of exclusion of many physicians, of oppressive competition, of big business technique erecting machinery which eliminates personality and destroys personal relations by factory form. Mere bigness is often a liability.

"The minority recognizes the practicability of centering medical service in small places where there are only one or two hospitals where all of the physicians of the community are permitted to use all of the facilities of the hospitals in a true community spirit, the institution being supported by taxation or by gifts."

Dr. Dean Lewis, President of the American Medical Association, recently said: "The medical profession should take an active interest in hospitalization. Hospital planning should be undertaken. A city or town of 15,000 people should not have three hospitals. One good hospital could take care of the needs of such a community. Better have one hospital that is full and active than three partially filled. The partially filled hospital has an enormous overhead." Presumably, in a state like Iowa with few cities of 15,000, the county would be considered a community.

In 1926 the U. S. Department of Agriculture published a pamphlet, "Rural Hospitals", by Wayne C. Nason, Assistant Economic Analyst, Bureau of Agricultural Economics, Farmer's Bulletin No. 1485. In it may be found the following:

"More and more President (Theodore) Roosevelt's expressed desire for country people, 'a good kind of life on the farm' is being realized. Modern schools, less denominational rivalry with resultant better rural churches, community building, little country theatres, country parks and playgrounds, country visiting nurses, cooperative farm business enterprises, improved roads, telephone, the radio, electric equipment, and modern home conveniences are accomplishing notable results. They are bringing to farm people more contentment and to the Nation a more enduring agriculture. And now rural hospitals are being erected, in fulfillment of a long-known need, to give added satisfaction to rural life."

What has happened in Iowa and in the United States since 1926 is common knowledge.

Comes now President Franklin D. Roosevelt, addressing the American Legion, in Chicago, October 2, 1933:

"There are many veterans of our wars to whom disability and sickness unconnected with war service has come. To them the federal government owes the application of the same rule which it has laid down for the relief of other cases of involuntary want or destitution.

"In other words, if the individual affected can afford to pay for his own treatment he cannot call on any form of government aid. If he has not the wherewithal to take care of himself, it is first of all the duty of his community to take care of him and next the duty of his state. Only if under these circumstances his own community and his own state are unable, after reasonable effort, to care for him, then, and then only, should the federal government offer him hospitalization and care."

How is the community to provide for the disabled veteran's hospitalization in many places? What about the veteran's family, the tax payer and his family, indigents on the waiting list; and many whose lives are jeopardized or lost by long distance transportation?

A recent newspaper report of the meeting of the American College of Surgeons quoted a speaker as saying: "In Chicago 62 of your 85 hospitals are on the approved list." In Iowa, 39 of 128 hospitals are on the approved list and these are located in 22 cities. According to the Medical Directory of the American Medical Association, 1931, there are 120 Fellows of the American College of Surgeons in Iowa; 89 of these are located in 20 of the 22 cities having approved hospitals in which to work.

Is it any wonder that Dr. Dean Lewis says "Hospital planning should be undertaken"? Perhaps, because of the relation of sickness, accidents, physicians, surgeons and hospitals to both intra and interstate traffic, President Roosevelt may note a reason for interesting the Public Works Administration in offering inducement to counties or communities, not already supplied, to make suitable hospital provision for such care of medical and surgical cases as can there properly be given and where will be assured a standardized equipment and service that will enable competent, honest consultation, in serious cases, to properly function. The government's interest and activities in the field of public health and its efforts to establish county public health services could well be correlated with hospital planning. In any such undertaking, due consideration must be given to existing hospitals whose control is now either church, community, county, independent, or, in some cases, private.

In December, 1928, Dr. Thomas A. Burcham, Chairman, made a report of the legislative committee of the Iowa State Medical Society before the Conference of Secretaries and Deputy Councilors. This report dealt with conferences in 1927 between Dean Houghton, President Jessup, Department Heads of the University Medical College, and the Legislative Committee and officers of the State Medical Society. Two problems remained unsettled after these conferences: "First, the extent to which the new University Hospital should be used for private patients; second,

methods of meeting the demand of those who supported proposed changes in the Perkins, Haskell-Klaus Laws without curtailing the supply of clinical material at the University Hospital." Proposed changes and the reasons therefore were detailed and the decision of the Board of Education given, with the following comment: "After a careful analysis of the resolution from the Board of Education, one is convinced that the Board does not feel inclined to use its influence in any way to have the present Perkins, Haskell-Klaus Laws changed in any manner. Although they agree that certain changes should be made they are unwilling to consent to such changes being made in the law but desire that the changes be a policy of the Board."

The full report (1928) of the Legislative Committee of the Iowa State Medical Society, is submitted herewith marked exhibit D and made a part of the minority's supplemental report.

As has been mentioned, there were introduced in both the Forty-second and Forty-third General Assemblies, bills for legislation intended to modify the laws governing the operation of the University Hospital and the commitment of indigent patients thereto. Such bills will continue to be introduced indefinitely unless now the forty-fifth General Assembly in extraordinary session gives consideration to the tax payer as well as the tax eater.

Operating under House Joint Resolution No. 7, your committee, through its sub-committee, has held several conferences with hospital authorities in the hope that bills which, in a measure, might be satisfactory to all concerned could be agreed upon, to be presented to the special session of the Forty-fifth General Assembly. Before the supplemental report of your committee had been agreed upon or even drafted, the Des Moines Register, September 17, 1933, carried a front page news article from Iowa City detailing opposition on the part of hospital authorities to measures submitted with its preliminary report. This opposition in part was said to have been based on "the Brookings Institution report on state finances and management, although the committee of nine has been refused a copy of the Brookings report on hospital management." The Des Moines Register article is submitted herewith, marked exhibit E.

Copy of a letter written by the chairman of your committee under date of March 16, 1933, and addressed to Dean W. S. Houghton, University Clinics, University of Chicago, Chicago, Ill., to which no reply has been received, together with an editorial from the Mason City Globe Gazette of April 6, 1933, is submitted herewith, marked Exhibit F and made a part of the minority report.

Copy of the Spencer Reporter, February 5, 1931, containing an article based upon the searching, fact finding report of the Committee on Hospitals and Education of the Iowa State Medical Society, illustrated with a map of Iowa showing pertinent facts relative to hospitals and indigents, is submitted herewith, marked Exhibit G.

A Questionnaire sent to Iowa district judges together with replies are submitted herewith, without comment, and marked exhibit H.

In order that the Forty-fifth General Assembly may be informed concerning the promotion of Iowa's enlarged medical college and hospital

program, certain literature, much of it "Not to be released until December 27," 1922 just prior to the convening of the Fortieth General Assembly, is submitted herewith, without comment, and marked Exhibit I.

Newspaper clippings, reprints, and unsolicited letters dealing with the operation of the adult indigent law, are submitted herewith, without comment, marked exhibit J.

In conclusion, it appears from the Des Moines Register article (Exhibit E) that no matter what proposals your committee or the committee of the Iowa State Medical Society may have made or make, "Like the state board of education, university heads and the hospital staff feel there is no need for legislation" and opposition to any proposed reforms has been promised. There comes a time when patience is exhausted in endeavors to square a circle. The mere fact that Iowa has a capital investment of \$5,000,000.00 or \$6,000,000.00 in an enlarged medical college and hospital plant, with an overhead of approximately \$1,500,000.00 per annum, not including interest on the investment, is no reason for carrying on at any cost, even if that were possible for a little while longer. The state's relation to its investment is comparable to that of some farmers and their once inflated land values and to that of all farmers with products for which there is no reasonable market; interest and taxes have helped to eat them out of house and home. Big business has had to suffer because of questionable promotion and for other reasons; small business, the industries, the professions and labor have been engulfed or overwhelmed in the debacle, and all realize we are living in a changing world.

The minority would direct your attention to the fact that every year enough clinical material, for teaching purposes, goes to waste, in the city of Des Moines, to furnish a much needed variety and a sufficient number for the instruction of all the new doctors there is need for each year in Iowa. It is not primarily essential that the state university medical college should be at Iowa City, except, perhaps, because of a constitutional provision, any more than that Nebraska should be at Lincoln, Indiana at Bloomington, or Kansas at Lawrence. At Des Moines it would be as much the university of Iowa medical college as are those at Omaha, Indianapolis and Kansas City, Kansas, the university medical colleges of their states. As a matter of fact, a similar condition is found at Rush and the University of California. Laws have been repealed, constitutions have been amended, and amendments, both state and national, have been or are being repealed. To whom does the Iowa State University Medical College and Hospital belong?

The state of Iowa having invested heavily in medical education, the minority directs your attention to one of the "Essentials of an Acceptable Medical College" required by the Council on Medical Education and Hospitals: "At least fifteen maternity cases should be provided for each senior student, who should have actual charge of these cases, under the supervision of the clinical instructor." Prior to February 12, 1933, the requirement was ten maternity cases. "During the calendar year of 1929 there was a total of 285 deliveries, while from January 1, 1930, to Sept. 29, 1930, 284 patients were delivered." Great and earnest effort is made to secure the needed number of obstetrical cases—1,500 for a

graduating class of 100, 48% of whom are said to have recently engaged in the various specialties. In 1929 there were 828 births in Des Moines hospitals and two other institutions; including these, the total for Des Moines was 2,823 births; in Polk County, outside Des Moines, 208, total for Polk Co. 3,031. For the same year there were 524 births in Iowa City (See A. addenda) including births at university hospital; Johnson County, outside Iowa City, 186, total 710. For the year 1932, the number of births at the University Hospital reached a total of 713. What part of Polk County's 3,000 or more births may have been available for clinical teaching is not definitely given, but the number must have been and is considerable. Is it good public policy even to endeavor to collect from all over the state the required number of obstetrical cases, legitimate and illegitimate, on or near the campus of the state university?

There were 5,238 on the waiting list for free treatment at the University Hospital on Feb. 7, 1933; many had waited for years, some had suffered and died enroute or while they waited and others are still waiting, notwithstanding other Iowa hospitals have had their beds only about 60 per cent filled, and churches, independent organizations and a few counties have struggled on against tremendous odds to keep their hospitals from putting out the sign "Closed for want of funds." What might it mean to Polk County if it could economically spend its \$58,750.00, less \$5,767.60 for special fees at Iowa City, presuming these would be similar anywhere—\$52,982.44, within its own borders? The latter sum was spent (July 1, 1930-June 30, 1931) as follows: Board and room, \$31,020.50; railroad fare, \$4,020.19; bus, taxi and ambulance, \$674.36; hotel, meals and telephone, \$339.49; escorts, \$415.50; doctors examination fees, \$1,070.00; a total of \$37,540.04, which with the special fees, makes \$43,307.70 as the cost of all the inclusive service to 379 Polk County sick indigents that year; adding to this the excess charged to Polk County for which it received no service, makes the total \$58,750.00. Proportionate amounts can be applied to 59 of the 99 counties, and it may be seriously questioned whether very many of the other 40, whose contribution is less than their total cost of service, really struck a bargain by taking advantage of the provisions of the adult indigent law. What would it mean if all this money could circulate in the various communities? Isn't this something for the P. W. A. to think about?

How did the other 172,458 inhabitants of Iowa's most important bailiwick, some of whom paid this indigent bill, manage to get along with the ministrations of their local physicians? What of its year-round floating population? True, for various and sufficient reasons, an occasional patient may have gone to Chicago, Rochester, Omaha, Minneapolis, St. Paul, St. Louis, Kansas City, New York, Philadelphia, Baltimore and other noted medical centers; may be some to Sioux City, Davenport, Cedar Rapids, Waterloo, Council Bluffs, Dubuque, Mason City, Marshalltown and smaller cities; to make up for all this migration they went from everywhere to Des Moines, and believe it or not, it has happened that some have gone back to the country doctor, the old family physician, to inquire what it was all about. That was and is their right. How did the remaining 2,288,616 Iowa people manage to keep afloat?

Many of them did not; they sank, and Iowa City, with its "comprehensive system of taking care of the poor," "dedicated to the service of the Iowa people," suggested neither life preserver nor attempt at rescue. The reputable physicians and surgeons and the existing hospital set up of this state, insufficient and inequitably distributed as it is, did and do a much better job of taking care of the "sick poor of the state." Let it be understood here and now that the minority disavows any thought of reflection upon the eminent ability of members of the faculty of the State University Medical College. They deal with an immensely important social problem with four sides; the sick and injured, the reputable medical profession, the depleted tax payer and the humanities. Along with these and intimately associated with each is an urgent economic problem.

As long ago as 1923 or 1924 Dr. Olin West, addressing a state medical society, said: "The one great outstanding problem before the medical profession today is that involved in the delivery of adequate, scientific medical service to all the people, rich and poor, at a cost which can be reasonably met by them in their respective stations in life." Presumably, in their own communities, where reasonable and intelligent cooperation on the part of the public with the reputable medical profession is an essential part of the problem. He did not say the one great problem was to maintain a great university medical center at any cost.

One of the distressing features of Iowa's adult indigent law is that the truly indigent citizen, well to do a short while ago, poor today, in need of medical care, must first become "a ward of the state" and surrender what would appear to be a very important right, the right to have, if possible, the physician of his choice. That right is preserved to him in his own county by the board of supervisors and its contract with physicians for the care of the sick poor. To deny the patient the stimulation of his confidence in his own physician works a great injustice. Another most annoying feature of the sick indigent law is the demand, by those who "want to get something for nothing," that they be sent to Iowa City whether any real need exists or not, firm in the belief that some physician will acquiesce. The effect upon the community morale is bad. Of the many bad features of Iowa's adult indigent law, one is most repugnant, one which no lawyer, priest or minister would have tolerated for even the few years that reputable physicians have stood aghast, viz., A patient against whom complaint has been filed for no other reason than that he is poor and in need of medical care, must waive his right of privileged communication and the physician is compelled to violate his obligation to hold as a trust matters of delicacy and secrecy and hang the whole story on the line in the office of the clerk of the district court. The adult indigent law is wrong in principle and in application.

If it is admitted by your honorable body that indigency, in some or all of its phases, is primarily and largely a community problem, and that sickness of the indigent is very distinctly a community problem, this very large hospital plant belongs to your great commonwealth and it is up to you as its representatives—the trustees of its interests—to determine, in the light of experience, the practicability of the huge under-

taking of Iowa City with its immense capital investment and enormous overhead.

Having been promised, in the press of the state, opposition on the part of university and hospital authorities to recommendations and proposed amendments to Chapter 199, Code of Iowa, 1931, in its preliminary report, which purported to be an approach to a square deal for the sick indigents, the reputable medical profession, the taxpayers and the state university medical college of Iowa, the minority now deems it fit and proper to submit, for the deliberate consideration of the Governor, the Senate and the House of Representatives, the following selective recommendations, reasons and requests for such further action by your honorable selves as circumstances warrant:

1. Increase the appropriation for the university hospital by an indeterminate amount, but sufficient to fill unoccupied beds, provide more beds for the waiting list, whose chief characteristic is growth, and still more beds for those who insist upon free treatment and care at the hands of the state: or

2. Limit the students to a lesser number than that recommended in the preliminary report, limit indigent patients to the number required for the teaching of the smaller number of students and charge the entire cost for their care and treatment to each county according to services received; or

3. Provide for the repeal of the adult indigent law to become effective at a future time, giving due consideration to certain involved principles and relationships, restore the Perkins law to its original status and take necessary steps to establish the last two or three years of the State University of Iowa Medical College in the city of Des Moines, thereby relieving Iowa of a frequently whispered doubt, first openly expressed at a meeting of the Board of Education and found on page 18 of the Report of the Iowa State Board of Education for the biennial period ending June 30, 1928. Part of the letter follows as exhibit F of that report.

"EXHIBIT F"

"On February 20, 1928, a called meeting of the Board of Education was held at Iowa City. Part of a letter from Dr. H. S. Houghton, Dean of the College of Medicine, was read, as follows:

"(1) The Medical College has approximately two hundred (191) students registered in the two final years of the medical course. Their studies are almost entirely clinical, and to a great extent, depend on the use of patients. To take Medicine as a typical example, it appears that the Department has 400 hours teaching, all of which require the use of ward patients; this excludes the hours devoted to physical diagnosis, clinical laboratory and therapeutics. It likewise takes no account of such allied subjects as pediatrics and neurology, which in this institution are independent departments. It is manifestly impossible to give two hundred students four hundred hours of exercises in practical medicine with a daily census of sixty patients. One scarcely needs to press the question further, but it may be added that the minimum called for

by the council of Medical Education of the A. M. A. as far back as 1910 was 100 beds for the use of combined classes numbering 200. Any institution falling below this requirement failed of recognition as a Class A College. In other words, it may be questioned whether this College at the present moment would qualify either under the Council of the American Medical Association or of the American Association of Medical Colleges as an approved and acceptable institution. What I have indicated with regard to the Department of Medicine is equally true of other departments, with the possible exception of orthopedics and otolaryngology, but these departments are under special pressure for the care of indigent patients, particularly sick and crippled children.

“A comparison of six of the large Class A Medical colleges, three of which are state institutions and three private, makes apparent the deficiency to which I have directed your attention in the preceding paragraph:

University	Students 3 Yr.	4 Yr.	Hours of Clinical Instruction requiring Ward Patients		Beds under Hospital Faculty Control
			Med.	Surg.	
Minnesota	100	100	300	217	1,000
			288	432	
Harvard	134	134	432	288	2,000
Hopkins	71	77	330	297	1,000
Michigan	118	116	324	250	1,162
Western Reserve	59	36	480	600	2,000
Iowa	91	100	408	338	346
“(2)					
“(3)					

“I submit, in the light of the foregoing facts that the critical condition of the teaching and medical service responsibilities entrusted to the University by the State, should promptly be made known to the members of the Board of Education and that they be asked to deal with the difficulties involved, all of which are outside of the province or powers of the Medical Faculty.

Yours sincerely,

(Signed) Henry S. Houghton,
Dean’ ”

(See Exhibit P.)

The minority earnestly petitions your honorable body to give serious consideration to this recommendation in order that Iowa may regain and hold her proud position among American medical schools, and accomplish the purpose of the Board of Education and the administration of the university . . . “namely, to put this institution in the front rank of medical colleges in the United States and keep it there.” You are reminded that propaganda, landscaping, Gothic or Renaissance architecture and size do not determine RANK among medical colleges.

The minority further recommends that, if this third proposal appeals to your deliberate judgment as a possible or probable solution of the vexing problems that confront and confuse “The public, the taxpayers, the legislators, the courts, the College of Medicine and hospital authorities, the medical profession and the indigents of Iowa”, due consideration

be given to members of the faculty of the State University of Iowa Medical College, who have labored under the most trying circumstances. You are again reminded that they did not enact the impracticable adult indigent law, nor did they match the philanthropic gifts of the Rockefeller Foundation and the General Education Board. The good faith and beneficent intent of the Thirty-eighth and Fortieth General Assemblies is not doubted, but a mistake was made, and the minority expresses the hope that you may be able to correct it in the best possible way. There is no occasion for tears; correction may hurt a little, but restoration to a place in the sun will compensate for that. The medical college can yet be made the pride of its alumni, the joy of its faculty, the delight of its students, a somnifacient for the President of the University, a sedative for the State Board of Education, a cerebral stimulant for the uninformed and a very real asset to the State of Iowa.

4. As provided in No. 3, except if the city of Des Moines, notwithstanding its relativity, is not in a receptive mood and does not care to be approached with a proposal which would add to its assets as well as to those of the State, then give only the first or first and second years of medicine at Iowa City and let the last two or three be taken elsewhere, for the reason that no city in the State of Iowa, other than Des Moines, has the environment essential to the clinical years of a Class A medical college. Located at Iowa City and Des Moines, it can be put just where the Board of Education and the administration of the University would have it, not large, but meritorius, and be somewhere "in the front rank of medical colleges in the United States."

Signed this 29th day of November, 1933, in the city of Des Moines
By the minority

E. E. MUNGER, M.D.

G. W. PATTERSON.

REPORTS OF COMMITTEES

Senator Wilson submitted the following reports:

MR. PRESIDENT: Your committee on cities and towns to which was referred Senate File 62, a bill for an act to legalize the proceedings relating to an election held in the town of Grand Junction, Greene County, Iowa, on the proposition of establishing a municipal electric light plant within said town; and to legalize the proceedings taken by the council of said town in letting a contract for the construction of said municipal electric light plant, under Sections 6134-d1 to 6134-d7, inclusive, of the Code of Iowa; and to legalize the contract entered into between said town of Grand Junction, Iowa, and Fairbanks, Morse & Company for the construction of said municipal light plant, and the issuance of pledge-orders in payment thereof; and declaring said contract, and the pledge-orders issued thereunder, as valid, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

GEO. A. WILSON, *Chairman.*

Ordered passed on file.

Also:

Your committee on cities and towns to which was referred House File 89, a bill for an act to legalize the proceedings relating to an election held in the town of Grand Junction, Greene County, Iowa, on the proposition of establishing a municipal electric light plant within said town; and to legalize the proceedings taken by the council of said town in letting a contract for the construction of said municipal electric light plant, under Sections 6134-d1 to 6134-d7, inclusive, of the Code of Iowa; and to legalize the contract entered into between said Town of Grand Junction, Iowa, and Fairbanks, Morse & Company for the construction of said municipal electric light plant, and the issuance of pledge-orders in payment thereof; and declaring said contract, and the pledge-orders issued thereunder, as valid, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

GEO. A. WILSON, *Chairman.*

Ordered passed on file.

Also:

Your committee on cities and towns to which was referred Senate File 109, a bill for an act to amend section three hundred eighty (380), Code, 1931, as amended by chapter fourteen (14), Acts Forty-fifth (45th) General Assembly, relating to the limitation on expenditures of certain municipalities, begs leave to report it has had the same under consideration and returns the bill without recommendation.

GEO. A. WILSON, *Chairman.*

Ordered passed on file.

Senator Ritchie submitted the following report:

MR. PRESIDENT: Your committee on agriculture to which was referred Senate File 111, a bill for an act to define Live Stock Remedies, provide for their registration and require an inspection fee; to amend sections thirty-one hundred thirteen (3113) and thirty-one hundred fifteen (3115), Code, 1931, and to repeal section thirty-one hundred nineteen (3119) Code, 1931, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

W. R. RITCHIE, *Chairman.*

Ordered passed on file.

Also:

Your committee on agriculture, to which was rereferred Senate File 53, a bill for an act to repeal chapter one hundred thirty-eight (138), title IX of the Code of 1931, relating to farm aid associations and to enact a substitute therefor relating to educational work for improving and advancing agriculture, home economics, and junior extension work in rural communities, and rural adult education in each county; and to provide county appropriation for conducting such educational work, begs leave to report that it has had the same under consideration and recom-

mends the same be amended as follows: and when so amended, the bill do pass:

1. Strike all after the enacting clause and insert in lieu thereof the following:

"Section 1. Chapter one hundred thirty-eight (138), title IX of the Code of 1931 is hereby repealed and the following enacted in lieu thereof.

"Sec. 2. County Aid for Agricultural Extension Service. Counties are hereby authorized to make appropriations in the manner provided for in this Act for the purpose of educational work for improving and advancing agriculture, home economics and junior extension work in rural communities and rural adult education. Such appropriation shall be made in each county where there has been organized a County Agricultural Extension Board as hereinafter provided and hereinafter called the County Extension Board.

"Sec. 3. Appropriation—When made. When a County Extension Board has been organized as provided in this Act and this fact has been properly certified to the Board of Supervisors of said County by The Chairman and Secretary of the County Extension Board, the Board of Supervisors shall appropriate for the carrying out of said work from the General Fund of the County, not less than four thousand dollars (\$4,000.00) annually in Counties having a population of less than twenty-five thousand (25,000), and not less than five thousand dollars (\$5,000.00) annually in Counties having a population of more than twenty-five thousand (25,000) as determined by the last federal census. The Board of Supervisors shall also furnish sufficient office space for such service in the Court House or elsewhere, unless such office accommodations are provided for in a local federal building.

"Sec. 4. County Extension Board—Composition. The County Extension Board shall be composed of one member from each township, such member to be a qualified voter, an actual farm resident and actively interested in improving farm and home life. Members of the County Extension Board shall be elected for a term of one (1) year. No member shall serve more than three (3) years in succession. Failure of any member elected to the Board to qualify shall not invalidate the organization of the Board. The County Extension Board may fill any vacancy occurring in its membership.

"Sec. 5. Method of Election to County Extension Board. The township member to the County Extension Board shall be elected at a general meeting of those residents who are qualified voters, not within the incorporated limits of a city or town of each township in the County at some designated place in each township before December 15 of each year. The first meeting in each township shall be called by the County Auditor as soon as practicable after this act takes effect and all subsequent township annual meetings shall be called by the Chairman of the County Extension Board.

"The first township meetings shall be held at the same time in each township but all subsequent annual township meetings shall be at such times as the Chairman of the County Extension Board may fix.

"A schedule of the annual township meetings shall be published in an

official county newspaper at least seven days before the first of said township meetings. Each township meeting shall proceed to organize itself and to elect a member to the County Extension Board which member shall be certified to the County Auditor by the Chairman and secretary of the township meeting. Such certification shall be conclusive unless objection is filed, in which event all disputes as to membership shall be decided by a majority of the County Extension Board.

"The county auditor shall call the annual meeting of the County Extension Board, notifying by mail all members whose election has been certified to him, at which meeting the Board shall organize, and proceed to formulate and carry out a program of work as herein provided. The said County Extension Board shall hold office until the annual meeting in December.

"Sec. 6. County Extension Board—Organization. The County Extension Board at its annual meeting which shall be held as soon as possible after December 15, shall elect from its own members a Chairman, vice-chairman and a secretary and such other officers as may be deemed necessary.

"Sec. 7. Powers and Duties of Board. The County Extension Board shall plan the educational work for improving and advancing agriculture, home economics and junior extension work in rural communities, and rural adult education to be carried on in the county as contemplated in this Act, and shall have general administration over all funds appropriated by the County for the carrying out of the purposes of this Act.

"Sec. 8. Cooperation with Other Agencies. All work to be carried on under the provisions of this Act shall be conducted in cooperation with the Iowa State College of Agriculture and Mechanic Arts, United States Department of Agriculture, and all agencies having the distribution of federal and state aid for similar purposes.

"Sec. 9. Funds—How Used and Expended. Such County funds as may be appropriated in accordance with this Act shall remain in the custody of the County Treasurer and shall be payable by him on vouchers signed by the Chairman and Secretary of the County Extension Board, which vouchers shall indicate on their face for what purpose the payment is to be used. The County Extension Board shall determine the manner and method in which the funds appropriated under the provisions of this Act shall be expended, and in the carrying out of the work provided by this Act shall employ a person or persons qualified to conduct the work planned by the County Extension Board for the ensuing year.

"Sec. 10. No Remuneration for Officers. No remuneration or compensation of any character shall be paid to the Chairman, Vice Chairman, Secretary or any member of the County Extension Board.

"Sec. 11. False Certificates—How Punished. Any officer of the County Extension Board making any certificate herein required with knowledge of its falseness or incorrectness in any particular shall be guilty of a misdemeanor and punished accordingly.

"Sec. 12. Annual Reports—Records. The retiring Chairman and Secretary of the County Extension Board, on the first Monday in January of each year shall file with the County Auditor complete and detailed

reports under oath of all expenditures made by order of the County Extension Board showing in detail to whom paid and for what purpose. A duplicate of such statement shall be sent to the Iowa State College of Agriculture and Mechanic Arts, and a duplicate shall be sent to the United States Department of Agriculture together with such additional information as may be required. The books, papers, and records of the County Extension Board shall be open to inspection at all times.

"Sec. 13. Neither the County Extension Board, as such, nor the employed agents may engage in any commercial or political undertaking whatsoever. Any member or employee of such Board who shall use the name of the County Extension Board in connection with any such undertaking, shall be subject to immediate removal from office or employment.

"Sec. 14. This act being deemed of immediate importance shall be in full force and effect after its passage and publication in the Mason City Globe-Gazette, a newspaper published in Mason City, Iowa, and in the, a newspaper published in, Iowa."

W. R. RITCHIE, *Chairman.*

Ordered passed on file.

The journal of December 14th was corrected and approved.

AMENDMENTS FILED

Amend Senate File 1 as follows:

Amend Section six (6) of Division (II) by striking out all of sub-section (e).
L. T. SHANGLE.

Amend Senate File 1, Division (II), Section nine (9), paragraph three (3) by changing the period at end of said paragraph to a comma and adding the following: "and except auto license fees, gasoline taxes, stamp taxes and postage stamps."
L. T. SHANGLE.

Amend Senate File 1, Division (II), Section nine (9), Paragraph six (6) by striking out the word "contributions" in line forty-three (43) and insert in lieu thereof the word "Donations".
L. T. SHANGLE.

Amend Senate File 1, Division (II), Section sixteen (16) by striking out paragraphs one (1) and two (2) and renumbering the remaining paragraphs.
L. T. SHANGLE.

Amend Senate File 1, Division (IV), Section thirty-eight (38) by striking from line twenty (20) of sub-section "(e)" the word "tangible".
L. T. SHANGLE.

Amend Senate File 1, Section forty (40) of Division four (4) by striking out paragraph "(b)" thereof and remarking the remaining paragraphs.
L. T. SHANGLE.

Amend Senate File 1, Division (IV), Section forty (40), sub-section (d) by inserting after the comma following the word "county" in line sixteen (16) and before the first "and" in said line, the word "district".
L. T. SHANGLE.

Amend Senate File 1, Section thirty (30), line one (1), by striking the period (.) following the word "corporations" and adding the following: "and organizations."

Amend subsection b of Section thirty (30) by adding after the word "corporations" in line ten (10); the following: "organizations and associations".

Amend subsection e of Section thirty (30) by adding after the word "Clubs" in line twenty-two (22) the following: "organizations or associations".

EDW. J. WENNER.

Amend Senate File 230 as follows: Strike from Paragraph (g) Section 1, line 25, the (comma) "," after the word "business" in line 25 and the (comma) "," after the word "business" in line 26 and the (comma) "," after the word "commerce" in line 26 and the words "sales and the value" in line 26 and add the words "and/or" after the word "business" and before the word "commerce" in line 26.

E. R. HICKLIN.

Amend Senate File 230 by adding to subsection (b) of section 3 the following:

"Fraternal beneficiary societies, orders or associations as defined in Chapter 402 of the 1931 Code of Iowa and amendments thereto, and all such corporations, societies, orders or associations lawfully doing business in this state."

Amend subsection (d) of section 3 by adding after the word "institutions" in the 14th line thereof the words: "and labor organizations".

E. R. HICKLIN.

On motion of Senator Stevens of Wapello the Senate adjourned until 10:00 a. m. Saturday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 16, 1933.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. C. E. Lookingbill, pastor of the M. E. Church of Nevada, also a member of the House of Representatives.

LEAVE OF ABSENCE

By unanimous consent, on request of Senator Stanley, all absent Senators were excused for the day.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Opposing proposed bill relating to public employment of married women. Senator Harrington from women of Sioux City, favoring same bill. Senator Hill from citizens of Charles City. Labor.

Favoring special tax on chain stores. Senator Kimberly from business men of Scott county. Tax revision and reorganization.

Favoring amendment to gross income tax bill exempting religious, educational, and charitable organizations from taxation. Senator Byers from citizens of Cedar Rapids. Senator Hill from citizens of Charles City. Tax revision and reorganization.

Favoring proposed bill to increase restaurant license fees. Senator Hill from restaurant owners of Floyd and Chickasaw counties. Cities and towns.

Opposing Senate File 155. Senator Kimberly from livestock producers of Scott county. Senator Fisch from citizens of Marcus. Emergency legislation.

Favoring Senate File 155. Senator Harrington from voters of

Woodbury county. Senator Fisch from voters of Cherokee, Ida and Plymouth counties. Emergency legislation.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Shangle, House File 23, a bill for an act to amend section forty-six hundred forty-four-c eight (4644-c8), Code, 1931, relating to the **secondary** road construction fund, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Shangle moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 29.

Aschenbrenner	Hopkins	Miller of	Shangle
Beardsley	Hush	Buchanan	Stanley
Booth	Husted	Miller of Jones	Stevens of
Calhoun	Irwin	Moore	Decatur
Doze	Klemme	Mullaney	Topping
Fisch	Leo	Pendray	Tripp
Harrington	McArthur	Reese	Wilson
Hill	Meyer	Ritchie	

Nays, none.

Absent or not voting, 21.

Anderson	Chrystal	Kimberly	Schmidt
Baldwin	Coykendall	Knudson	Stevens of
Beatty	Elthon	Nelson	Wapello
Bennett	Frailey	Patterson	Valentine
Byers	Geske	Roelofs	Wenner
Carden	Hicklin		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Shangle moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Husted, Senate File 157, a bill for an act in reference to private banks and their examination and regulation by the superintendent of banks and to amend section ninety-one hundred forty-three (9143), Code, 1931, relating to fees for examination, with report of committee

recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Husted moved that the reading just had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 29.

Aschenbrenner	Hopkins	Miller of	Stanley
Beardsley	Hush	Buchanan	Stevens of
Booth	Husted	Mullaney	Decatur
Coykendall	Irwin	Nelson	Topping
Doze	Klemme	Pendray	Tripp
Fisch	Leo	Reese	Valentine
Harrington	McArthur	Roelofs	Wilson
Hill	Meyer	Shangle	

Nays, 4.

Calhoun	Miller of Jones	Moore	Ritchie
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Absent or not voting, 17.

Anderson	Carden	Hicklin	Schmidt
Baldwin	Chrystal	Kimberly	Stevens of
Beatty	Elthon	Knudson	Wapello
Bennett	Frailey	Patterson	Wenner
Byers	Geske		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Husted moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Booth, Senate File 226, a bill for an act to enable the State of Iowa to secure the benefit of funds allotted to this State by the Federal Government for street and highway work, to authorize the state highway commission to cooperate with the Federal Government in the expenditure of such funds, and to provide a means for making prompt payment on such work, a highway committee bill, was taken up and considered.

The bill was read for information.

Senator Booth moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 33.

Aschenbrenner	Hush	Miller of Jones	Shangle
Beardsley	Husted	Moore	Stanley
Booth	Irwin	Mullaney	Stevens of
Calhoun	Klemme	Nelson	Decatur
Doze	Leo	Patterson	Topping
Frailey	McArthur	Pendray	Tripp
Harrington	Meyer	Reese	Valentine
Hill	Miller of	Ritchie	Wilson
Hopkins	Buchanan	Roelofs	

Nays, none.

Absent or not voting, 17.

Anderson	Carden	Geske	Schmidt
Baldwin	Chrystal	Hicklin	Stevens of
Beatty	Coykendall	Kimberly	Wapello
Bennett	Elthon	Knudson	Wenner
Byers	Fisch		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Booth moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Hill, Senate File 229, a bill for an act to legalize the re-incorporation of the First Methodist Episcopal Church of Nora Springs, Floyd County, Iowa, its articles of incorporation, the election of officers and board of trustees under said articles of incorporation, and of the acts and proceedings to effect said re-incorporation and the title to the property belonging to said corporation as heretofore incorporated and assumed by said articles of re-incorporation, a county and township affairs committee bill, was taken up and considered.

Senator Hill offered the following amendment and moved its adoption:

Amend by striking the figures "1927" wherever same appears and inserting in lieu thereof the figures "1931".

The amendment was adopted.

Senator Hill moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?" the vote was:

Ayes, 35.

Aschenbrenner	Hush	Miller of Jones	Shangle
Beardsley	Husted	Moore	Stanley
Booth	Irwin	Mullaney	Stevens of
Calhoun	Klemme	Nelson	Decatur
Coykendall	Knudson	Patterson	Topping
Doze	Leo	Pendray	Tripp
Frailey	McArthur	Reese	Valentine
Harrington	Meyer	Ritchie	Wilson
Hill	Miller of	Roelofs	
Hopkins	Buchanan		

Nays, none.

Absent or not voting, 15.

Anderson	Byers	Fisch	Schmidt
Baldwin	Carden	Geske	Stevens of
Beatty	Chrystal	Hicklin	Wapello
Bennett	Elthon	Kimberly	Wenner

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hill moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Aschenbrenner, Senate File 132, a bill for an act to legalize the corporate acts and proceedings of Star Automobile Company, of Pella, Marion County, Iowa, and to provide for the renewal and extension of the period of corporate existence and the adoption of renewal, amended and substituted articles of incorporation of said Star Automobile Company, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Aschenbrenner moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Aschenbrenner	Hill	Meyer	Ritchie
Beardsley	Hopkins	Miller of	Roelofs
Booth	Hush	Buchanan	Shangle
Calhoun	Husted	Miller of Jones	Stanley
Coykendall	Irwin	Moore	Stevens of
Doze	Kimberly	Mullaney	Decatur
Elthon	Klemme	Nelson	Topping
Fisch	Knudson	Patterson	Tripp
Frailey	Leo	Pendray	Valentine
Harrington	McArthur	Reese	Wilson

Nays, none.

Absent or not voting, 12.

Anderson	Byers	Geske	Stevens of
Baldwin	Carden	Hicklin	Wapello
Beatty	Chrystal	Schmidt	Wenner
Bennett			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Aschenbrenner moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Patterson, Senate File 232, a bill for an act to amend section seventy-five hundred sixty-two (7562), Code, 1931, relating to the classification and re-classification of assessments in levee and drainage districts, a drainage committee bill, was taken up and considered.

The bill was read for information.

Senator Patterson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Aschenbrenner	Hill	McArthur	Ritchie
Beardsley	Hopkins	Meyer	Roelofs
Booth	Hush	Miller of Jones	Shangle
Calhoun	Husted	Moore	Stanley
Coykendall	Irwin	Mullaney	Stevens of
Doze	Kimberly	Nelson	Decatur
Elthon	Klemme	Patterson	Topping
Fisch	Knudson	Pendray	Tripp
Frailey	Leo	Reese	Wilson
Harrington			

Nays, none.

Absent or not voting, 14.

Anderson	Byers	Hicklin	Stevens of
Baldwin	Carden	Miller of	Wapello
Beatty	Chrystal	Buchanan	Valentine
Bennett	Geske	Schmidt	Wenner

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Patterson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Topping, Senate File 133, a bill for an act creating a presumption in any action or proceeding to recover taxes upon property not listed or assessed for taxation during the life-time of any decedent, that any property, any evidence of ownership of property, and any evidence of a promise to pay, owned by a decedent at the date of his death, had been acquired by such decedent more than five (5) years before the date of his death; and providing that the burden of proving that any such property had been acquired by such decedent less than five (5) years before the date of his death shall be upon the heirs, legatees, and legal representatives of such decedent, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

By unanimous consent on request of Senator Topping, House File 166 was withdrawn from the committee on judiciary No. 1, to which it had been referred on December 14th, and substituted for Senate File 133, a companion bill.

On motion of Senator Topping House File 166, a bill for an act creating a presumption in any action or proceeding to recover taxes upon property not listed or assessed for taxation during the lifetime of any decedent, that any property, any evidence of ownership of property, and any evidence of a promise to pay, owned by a decedent at the date of his death, had been acquired by such decedent more than five years before the date of his death; and providing that the burden of proving that any such property had been acquired by such decedent less than five years before the date of his death shall be upon the heirs, legatees, and legal representatives of such decedent, was taken up and considered.

The bill was read for information.

Senator Topping moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 34.

Aschenbrenner	Fisch	Kimberly	Miller of
Beardsley	Harrington	Klemme	Buchanan
Calhoun	Hill	Knudson	Miller of Jones
Coykendall	Hopkins	Leo	Moore
Doze	Hush	McArthur	Mullaney
Elthon	Husted	Meyer	Nelson

Patterson
Pendray
Reese

Ritchie
Roelofs
Shangle

Stanley
Stevens of
Decatur

Topping
Tripp
Wilson

Nays, none.

Absent or not voting, 16.

Anderson
Baldwin
Beatty
Bennett
Booth

Byers
Carden
Chrystal
Frailey

Geske
Hicklin
Irwin
Schmidt

Stevens of
Wapello
Valentine
Wenner

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Topping moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Topping, Senate File 133, a companion bill to the one just passed was withdrawn.

By unanimous consent, on motion of Senator Elthon, Senate File 90, a bill for an act to amend and clarify Section forty-one hundred seventy-nine (4179), Code, 1931, relating to the transportation of pupils attending school in consolidated districts, with report of committee recommending passages, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

By unanimous consent, on request of Senator Elthon, his amendment as found on page 253 of the Senate journal of December 4th, was withdrawn.

Senator Elthon offered the following amendment and moved its adoption:

Amend by striking out all after the enacting clause and insert in lieu thereof the following:

"Section 1. Section forty-two hundred seventy-seven (4277), code, 1931, is amended by striking out all of said section following the period (.) in line eight (8) thereof and inserting in lieu thereof the following:

"The tuition rate chargeable to the home district of such nonresident high school pupil shall not exceed the pro-rata cost and shall be computed solely upon the basis of the average daily attendance of all resident and nonresident pupils enrolled in such high school, but it shall not include the cost of transportation to high school or any part thereof, unless the actual pro-rata cost of such tuition is less than the maximum rate authorized by law, in which case the board of the district that is responsible for

the payment of such tuition may, by resolution, authorize the payment of such portion of transportation costs as does not exceed the difference between the actual pro-rata cost of high school tuition and the maximum rate authorized by law, provided the creditor district collects any balance of such transportation cost from the parents whose children are transported. Transportation costs shall, in all cases, be based upon the pro-rata cost of all pupils transported to school in such district.

'On or before February 15 and June 15 of each year the secretary of the creditor district shall deliver to the secretary of the debtor district an itemized statement of such tuition fees.'

The amendment was adopted.

Senator Elthon offered the following amendment and moved its adoption:

Amend by striking out the title and insert in lieu thereof the following:

"An act to amend section forty-two hundred seventy-seven (4277), code, 1931, relating to high school tuition and to make nonresident parents whose children are transported to high school responsible for the pro-rata cost of such transportation and to provide the conditions under which a portion of such transportation cost may be assumed by their board."

The amendment was adopted.

Senator Elthon moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 35.

Aschenbrenner	Hush	Miller of	Ritchie
Beardsley	Husted	Buchanan	Ruelofs
Calhoun	Irwin	Miller of Jones	Shangle
Coykendall	Kimberly	Moore	Stanley
Doze	Klemme	Mullaney	Stevens of
Elthon	Knudson	Nelson	Decatur
Fisch	Leo	Patterson	Topping
Frailey	McArthur	Pendray	Tripp
Harrington	Meyer	Reese	Wilson
Hopkins			

Nays, none.

Absent or not voting, 15.

Anderson	Booth	Geske	Stevens of
Baldwin	Byers	Hicklin	Wapello
Beatty	Carden	Hill	Valentine
Bennett	Chrystal	Schmidt	Wenner

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Elthon moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

The journal of December 15th was corrected and approved.

AMENDMENTS FILED

Amend Senate File 231 by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. School attendance in adjoining state. Persons of school age residing upon Iowa territory not within the corporate limits of a city or town shall, when such territory is located on the opposite side of a river that is a general boundary line of the state, be permitted to attend the nearest public school in the state immediately adjoining that will receive them; provided that, on account of such river, such persons do not have reasonable access to a public school in the Iowa school district to which they belong.

"Sec. 2. Tuition in adjoining state. When such persons attend a public school in an adjoining state, as provided in section one (1) of this act, it shall be the duty of the board of the Iowa school district to which such persons belong to pay their tuition, except as provided in section four (4) of this act.

"Sec. 3. Transportation. When elementary grade children residing on such territory are required to travel two and three-quarter ($2\frac{3}{4}$) miles or more to a public school that will receive them, the board shall also allow the parents of such children five cents (5c) for each mile traveled by such parents each day in transporting their children to school, except as provided in section four (4) of this act.

"Sec. 4. Tuition and transportation paid by state—when. When the school taxes upon such territory together with the semi-annual apportionments per person of school age residing upon such territory are not sufficient to pay the tuition and transportation as provided in this act it shall be the duty of the state, upon the approval of the superintendent of public instruction, to pay such tuition and transportation.

"Sec. 5. Manner of payment by the state. When payment is to be made by the state, the superintendent of public instruction shall file a requisition therefor with the state comptroller who shall draw a warrant or warrants upon the treasurer of state payable to the proper party from any funds of the state not otherwise appropriated in such amount as is necessary to pay such tuition and transportation.

"Sec. 6. Equivalent of school taxes and semi-annual apportionments withheld. When the superintendent of public instruction approves the payment of tuition and transportation by the state, he shall immediately notify the county auditor of the proper county or counties whose duty it shall be to withhold from the school district to which such territory belongs an amount equivalent to the school taxes upon such territory within his county and the semi-annual apportionments per person of school age residing upon such territory within his county, and to remit such amount to the state comptroller to be held exclusively as a part of the fund necessary to carry out the purposes of this act.

"Sec. 7. Publication clause. This act being deemed of immediate importance shall be in full force and effect from and after its passage and

publication in the Jackson Sentinel, a newspaper published at Maquoketa, Iowa, and in The Guthrian, a newspaper published at Guthrie Center, Iowa.”

CAROLYN C. PENDRAY.

Amend Senate File 215 by striking the word “before” in section 4, line 1.

Amend Senate File 215, section 4, by adding after the period (.) in line 6 the following: “Any pipe line company now owning or operating a pipe line in this state shall be issued a permit by the commission upon supplying the information as provided for in section 5.”

VINCENT F. HARRINGTON.

On motion of Senator Stanley the Senate adjourned until 10:00 a. m. Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 18, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Henry McCraven, pastor of the A. M. E. Church of Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Husted for the day, on request of Senator Hopkins; Senator Frailey for the day, on request of Senator Byers.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring bill to prohibit employment of married women. Senator Reese from voters of Mason City. Labor.

Favoring bill for increase in restaurant license fees. Senator Schmidt from voters of Iowa City. Cities and towns.

Favoring replacement tax to limit tax on real estate. Senator Baldwin from voters of Dubuque county. Tax revision and reorganization.

Opposing change in the state prohibition law. Senator Carden from mayor, superintendent of schools, and pastors of Crawfordsville. Liquor control.

Favoring amendment to gross income tax bill exempting religious, charitable and educational institutions from taxation. Senator Baldwin from voters of Dubuque. Senator Schmidt from voters of Johnson county. Senator Booth from citizens of Anita. Senator Nelson from voters of Story county. Tax revision and reorganization.

Favoring gross income tax bill. Senator Baldwin from voters

of Dubuque. Senator Doze from voters of Chariton and Lucas. Senator Irwin from Clinton county. Senator Reese from voters of Marshalltown. Senator Beardsley from voters of Warren county. Senator Tripp from voters of Jasper county. Senator Anderson from voters of Webster county. Senator Miller of Buchanan from voters of Delaware county. Senator Stevens of Decatur from Union county. Senator Moore from voters of Pottawattamie county. Senator Mullaney from voters of Allamakee and Fayette counties. Senator Nelson from voters of Boone and Story counties. Tax revision and reorganization.

Favoring Senate File 155. Senator Fisch from voters of Plymouth, Ida, and Cherokee counties. Senator Leo from voters of Benton county. Senator Harrington from voters of Woodbury county. Opposing Senate File 155. Senator Booth from livestock producers of Portsmouth. Emergency legislation.

RESIGNATION OF CLERK

MR. PRESIDENT: I hereby resign as Clerk to Senator Paul H. Anderson, effective as of Friday, December 15, 1933.

KATHERINE O'CONNOR.

The resignation was accepted.

Senator Wilson moved that the Senate resolve itself into a committee of the whole, for the purpose of continuing the discussion of tax reduction bills.

The motion prevailed.

COMMITTEE OF THE WHOLE

Senator Wilson moved that President N. G. Kraschel act as chairman of the committee of the whole.

The motion prevailed.

Consideration of Amendments to Senate File 1 resumed.

By unanimous consent, on request of Senator Stanley, action on his amendments to Section 21 to 37 inclusive, as found on page 345 of the Senate journal was deferred.

Action on Senator Frailey's amendment to Sec. 26 was deferred, due to his absence.

By unanimous consent, on request of Senator Byers, action on

his amendment found on page 337 of the Senate journal, was deferred.

Senators Byers and Frailey offered the following amendments and moved their adoption:

Amend subsection a of Section 30 as follows: Strike out the word "and" in line eight (8) and insert in lieu thereof the word "or".

Amend sub-section c of Section 30 by inserting after the comma following the word "commerce" in line fifteen (15) thereof the following: "labor unions and auxiliary organizations."

The amendments were adopted.

Senator Wenner offered the following amendments and moved their adoption:

Amend Section thirty (30), line one (1), by striking the period (.) following the word "corporations" and adding the following: "and organizations."

Amend subsection b of Section thirty (30) by adding after the word "corporations" in line ten (10), the following: "organizations and associations".

Amend subsection e of Section thirty (30) by adding after the word "Clubs" in line twenty-two (22) the following: "organizations or associations".

The amendments were adopted.

Senator Wenner offered the following amendment to the amendment and moved its adoption:

Amend by inserting after the word "corporations" in the amendment to line 10 the words "where it first appears".

The amendment was adopted.

Senator Byers offered the following amendment and moved its adoption:

Amend by striking from Section 33, from the thirteenth (13th) line thereof, the words "permit or".

The amendment was adopted.

Senator Valentine offered the following amendment and moved its adoption:

Amend by inserting after the word "for" in line 15 of Section 38, the words "processing, or for".

The amendment was adopted.

By unanimous consent, on request of Senator Stanley, action

on his amendment as found on page 342 of the Senate journal, was deferred.

By unanimous consent, on request of Senator Byers, action on his amendment as found on page 344 of the Senate journal, was deferred.

Senators Patterson, Beardsley, Calhoun and Ritchie offered the following amendment and moved its adoption:

Amend by striking "Division IV, Retail Sales Tax" and inserting in lieu thereof as Division IV the following:

"Division IV.

"Sec. 38. Any person, firm, corporation, association or copartnership desiring to operate, maintain, open or establish a store, except owners of line grain elevators, lumber yards, coal and wood yards, which are specifically exempted from the chain provisions of this act, and pay only the license fee of one dollar (\$1.00), in this state after January 1, 1934, shall apply to the state board for a license so to do. The application for a license shall be made on a form which shall be prescribed and furnished by the state board, and shall set forth the name of the owner, manager, trustee, lessee, receiver or other person desiring such license; the name of such store; the location, including the street number, of such store; and such other facts as the state board may require. If the applicant desires to operate, maintain, open or establish more than one such store, he shall make a separate application for a license to operate, maintain, open or establish each such store, but the respective stores for which the applicant desires to secure licenses may all be listed on one application blank. Each such application shall be accompanied by a filing fee of fifty cents, and by the license fee as prescribed in section 41.

"Sec. 39. As soon as practicable after the receipt of any such application, the state board shall carefully examine such application to ascertain whether it is in proper form and contains the necessary and requisite information. If, upon examination, the state board shall find that any such application is not in proper form and does not contain the necessary and requisite information, it shall return such application for correction. If an application is found to be satisfactory, and if the filing and license fees, as herein prescribed, shall have been paid, the state board shall issue to the applicant a license for each store for which an application for a license shall have been made. Each licensee shall display the license so issued in a conspicuous place in the store for which such license is issued.

"Sec. 40. All licenses shall be so issued as to expire on the thirty-first day of December of each calendar year. On or before the first day of January of each year, every person, firm, corporation, association or copartnership having a license, shall apply to the state board for a renewal license for the calendar year next ensuing. All applications for renewal licenses shall be made on forms which shall be prescribed and furnished by the state board. No license shall lapse prior to the thirty-first of

January of the year next following the year for which such license was issued, and if an application is not made for and a renewal license issued on or before the first day of February, next ensuing, the former license shall lapse and become null and void and the state board shall thereupon notify such delinquent license holder thereof, by registered mail. Each such application for a renewal license shall be accompanied by a filing fee of fifty cents, and by the license fee as prescribed in section 41.

"Sec. 41. Every person, firm, corporation, association or copartnership opening, establishing, operating or maintaining one or more stores or mercantile establishments, within this state, under the same general management, supervision or ownership, shall pay the license fees hereinafter prescribed for the privilege of opening, establishing, operating or maintaining such stores or mercantile establishments. The license fee herein prescribed shall be paid annually, and shall be in addition to the filing fee as prescribed in sections 38 and 40.

The license fees herein prescribed shall be as follows:

- (1) Upon one store, the annual license fee shall be three dollars for each such store;
- (2) Upon two stores or more, but not to exceed five stores, the annual license fee shall be ten dollars for each such additional store;
- (3) Upon each store in excess of five, but not to exceed ten, the annual license fee shall be twenty dollars for each such additional store;
- (4) Upon each store in excess of ten, but not to exceed twenty, the annual license fee shall be thirty dollars for each such additional store;
- (5) Upon each store in excess of twenty, the annual license fee shall be one hundred fifty dollars for each such additional store.

"Sec. 42. Each and every license issued prior to the first day of July of any year shall be charged for at the full rate, and each and every license issued on or after the first day of July of any year shall be charged for at one-half of the full rate, as prescribed in section 41.

"Sec. 43. The provisions of this division shall be construed to apply to every person, firm, corporation, copartnership or association, either domestic or foreign, which is controlled or held with others by majority stock ownership or ultimately controlled or directed by one management or association or ultimate management.

"Sec. 44. The term "store" as used in this division shall be construed to mean and include any store or stores or any mercantile establishment or establishments which are owned, operated, maintained or controlled by the same person, firm, corporation, copartnership or association, either domestic or foreign, in which goods, wares or merchandise of any kind are sold, either at retail or wholesale.

"Sec. 45. Any person, firm, corporation, copartnership or association who shall violate any of the provisions of this division shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars, and each and every day that such violation shall continue shall constitute a separate and distinct offense.

"Sec. 46. Any and all expenses incurred by the state board in the administration of this act shall be paid out of the funds accruing from the fees imposed by and collected under the provisions of this division.

All money collected under the provisions, less the expenses incurred in the administration of this division, shall be paid into the state treasury, monthly, by the state board, and shall be added to and shall constitute a part of the general fund.

"Sec. 47. The state board is hereby authorized to employ such clerical assistants as may be necessary to carry out and administer the provisions of this division of this act, and to prepare and print such blanks, forms, reports, receipts and any and all other things which may be necessary to provide for the administration of this act, and to pay any and all such expenses so incurred out of the fund collection under the provisions of this act.

"Sec. 48. If any section, provision or clause of this division of the act shall be declared invalid, such invalidity shall not be construed to affect the portions of the act not so held invalid.

"Sec. 49. If any provisions or any section of this division shall be held void, or unconstitutional, all other provisions and all other sections which are not expressly held to be void or unconstitutional shall continue in full force and effect."

Senator Pendray was appointed as temporary chairman at 11:12 a. m.

N. G. Kraschel, chairman, returned to the chair at 11:15 a. m.

On motion of Senator Mullaney, the committee of the whole recessed until 1:30 p. m.

AFTERNOON SESSION

The committee of the whole reconvened.

Senator Wenner offered the following amendment to the pending amendment and moved its adoption:

Amend by striking lines one (1), two (2), and three (3) of the proposed amendment and inserting in lieu thereof the following "Amend Senate File No. 1 by adding thereto 'Division V Retail Stores Tax.'"

Amend by re-numbering the divisions and sections.

By unanimous consent, on request of Senator Wenner, his amendment to the amendment was withdrawn.

Senator Patterson asked unanimous consent to strike from lines 2 and 3 of his amendment the following words:

"and inserting in lieu thereof as Division IV the following: "; also by adding the following: "I move to amend Senate File 1 by adding as a separate sub-division the following:".

Consent was granted.

The President ruled that a division or amendment should be per-

fectured before a motion to strike the same should be put, if there be pending amendments to the division or amendment.

Senator Wilson offered the following amendment and moved its adoption:

Amend section forty (40), by adding as sub-division (e) the following:
“(e) The gross receipts from the sales of fluid milk, cream, and their fluid products, when delivered regularly to consumers on a milk route served by the vendor.”

Senator Tripp moved to amend the amendment by striking the following:

“, when delivered regularly to consumers on a milk route served by the vendor”.

Action on the amendment and amendment to the amendment was deferred by unanimous consent.

Senator Stanley offered the following amendment and moved its adoption:

Amend by striking from section forty-eight (48) all that part following the period after the word “tax” in the twentieth (20th) line thereof and inserting in lieu thereof as a new section the following:

“Appeals.

1. An appeal may be taken by the taxpayer to the District Court of the county in which he resides, or in which his principal place of business is located, within sixty days after he shall have received notice from the board of its determination as provided for in the preceding section.

2. The appeal shall be taken by a written notice to the Chairman of the board and served as an original notice. When said notice is so served it shall, with the return thereon, be filed in the office of the Clerk of said District Court, and docketed as other cases, with the taxpayer as plaintiff and the board as defendant. The plaintiff shall file with such Clerk a bond for the use of the defendant, with sureties approved by such Clerk, in penalty at least double the amount of tax appealed from, and in no case shall the bond be less than fifty dollars (\$50.00), conditioned that the plaintiff shall perform the orders of the Court.

3. The Court shall hear the appeal in equity and determine anew all questions submitted to it on appeal from the determination of the board. The Court shall render its decree thereon and a certified copy of said decree shall be filed by the Clerk of said Court with the board who shall then correct the assessment in accordance with said decree. An appeal may be taken by the taxpayer or the board to the Supreme Court of this state in the same manner that appeals are taken in suits in equity, irrespective of the amount involved.”

The amendment was adopted.

Senator Stanley offered the following amendment and moved its adoption:

Amend section fifty (50) by inserting after the word "notice" in the first (1st) line thereof, "except notice of appeal,".

The amendment was adopted.

Senator Wilson offered the following amendment and moved its adoption:

Amend section 39 by inserting following line nine (9) the following:
"Every resident of this state who purchases for consumption and not for resale any tangible personal property, consisting of goods, wares or merchandise, from other than an established retailer within the state, shall forthwith present to the county treasurer of the county of his residence, an invoice covering every such purchase, and shall pay to such county treasurer two per cent (2%) tax upon such purchase. The county treasurer thus collecting said tax shall report the same to the State Board of Assessment and Review."

The amendment was adopted.

Senator Shangle offered the following amendment and moved its adoption:

Amend Division (IV), Section thirty-eight (38) by striking from line twenty (20) of sub-section "(e)" the word "tangible".

Senator Shangle withdrew his amendment, by unanimous consent.

Senator Shangle offered the following amendment and moved its adoption:

Amend Division (IV), Section forty (40), sub-section (d) by inserting after the comma following the word "county" in line sixteen (16) and before the first "and" in said line, the word "district".

The amendment was adopted.

Senator Harrington moved that the committee of the whole arise.

Senator Wilson as a substitute moved that the committee of the whole arise to reconvene at 10:30 a. m. Tuesday.

The substitution was made.

The substitute motion was adopted and the Senate resumed regular session.

By unanimous consent on request of Senator Ritchie the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 235, by committee on agriculture, a bill for an act to make an emergency appropriation to the state department

of agriculture for the purpose of defraying the necessary expenses now being incurred and imposed upon said department by the provisions of chapter four hundred twenty-seven (427), code, 1931, the unbonded agricultural warehouse act.

Read first and second times and referred to committee on appropriations.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 188, a bill for an act relating to transfer of funds in Hancock county.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 179, a bill for an act relating to an assistant Chief Justice and defining his rights. VIRGIL LEKIN, *Chief Clerk.*

HOUSE MESSAGES CONSIDERED

House File 179, a bill for an act to amend section twelve thousand eight hundred four (12804), Code 1931, and providing for an assistant chief justice, and defining his rights, duties and powers.

Read first and second times and referred to committee on judiciary No. 1.

House File 188, a bill for an act to make permanent the transfer of Ten Thousand Dollars (\$10,000.00), from the Bovine Tubercular Eradication Fund, in Hancock County, to the Poor Fund of said County, said Fund having been originally made with the approval of the Director of the Budget, November 23rd, 1932.

Read first and second times and referred to committee on judiciary No. 2.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, Senate File 65.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate File 65.

REPORTS OF COMMITTEES

Senator Byers submitted the following report:

MR. PRESIDENT: Your committee on motor vehicles to which was referred Senate File 18, a bill for an act to require the use of certain safety equipment on motor vehicles, begs leave to report it has had the same under consideration and recommends the same be amended as follows, but returns the bill without recommendation.

Amend as follows:

1. In Section one (1), line three (3), after the word "vehicle", insert the following words and comma: "registered in the State of Iowa,".
2. In Section one (1), line seven (7), strike out the word "laminated".
3. In Section two (2), line three (3), after the word "vehicle", insert the following words and comma: "registered in the State of Iowa,".
4. Strike out Section three (3) and insert in lieu thereof the following: "Sec. 3. The term "safety glass" as used in this section shall be construed to mean any product composed of glass, so manufactured, fabricated or treated as substantially to prevent shattering and flying of the glass when struck or broken."

FRANK C. BYERS, *Chairman.*

Ordered passed on file.

Senator Pendray submitted the following report:

MR. PRESIDENT: Your committee on public schools to which was referred House File 68, a bill for an act to fix a minimum limitation upon the size of school districts; to repeal section 4132, code 1931, and to enact a substitute therefor; and to repeal sections 4131-c1; 4135, and 4152, relating to the alteration of the boundary lines of school districts, begs leave to report it has had the same under consideration and recommends the same do pass.

CAROLYN C. PENDRAY, *Chairman.*

Ordered passed on file.

SENATE FILE 186 ON THE CALENDAR

Under rule 35, Senator Harrington called from the committee on motor vehicles, Senate File 186.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me as Secretary of the Senate, a proof of publication from The Garner Leader, Garner, Iowa, relating to House File 188, a bill for an act to make permanent the transfer of funds in Hancock county, Iowa.

BYRON G. ALLEN,
Secretary of the Senate.

The journal of December 16th was corrected and approved.

AMENDMENTS FILED

Amend Senate File 1, Division (II), Section Five (5) as follows:

Insert between lines sixteen (16) and seventeen (17) of sub-section "C" the following: "Whenever in any year it becomes necessary for any Taxing District to increase the tax rate levies upon real property over those of the preceding year for that district, there shall be a like increase in the income tax rates in that same district for that same year over and above the tax rates imposed by this Act, said increase in the income tax rates to continue so long as the increase in real property tax levies continues."

L. T. SHANGLE.

On motion of Senator Wilson the Senate adjourned until 10:00 a. m. Tuesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 19, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Albert Burns Cadwell, pastor of the Trinity Methodist Episcopal Church of Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Beatty for the day, on request of Senator Tripp.

PETITIONS AND MEMORIALS

The secretary ordered petitions on Senate File 87 relative to the inspection and fees of cafes and restaurants, which petitions had been referred to the committee on cities and towns, rereferred to the committee on public health.

The following petitions were presented and referred to the designated committees:

Favoring passage of bill relative to public employment of married women. Senator Reese from voters of Clear Lake. Labor.

Favoring Senate File 155. Senator Fisch from citizens of Sioux and Plymouth counties; Senator Bennett from citizens of Monona; Senator Harrington from citizens of Woodbury county. Emergency legislation.

Opposing Senate File 155. Senator Coykendall from farmers and hog producers of Page and Fremont counties; Senator Kimberly from live stock producers of Scott county; Senator Ritchie from voters of Storm Lake. Emergency legislation.

Favoring gross income tax bill. Senator McArthur from citizens of Cerro Gordo county; Senator Mullaney from citizens of Fayette county; Senator Elthon from citizens of Winnebago county; Senator Stevens of Wapello from citizens of Wapello county; Senator Coykendall from citizens of Braddyville; Sena-

tor Wenner from L. C. Holman of Cedar Falls. Tax revision and reorganization.

Favoring amendment to gross income tax bill exempting religious, charitable and educational organizations from taxation. Senator Nelson from voters of Story county. Tax revision and reorganization.

Opposing House File 198 relating to perpetual care fund of cemeteries. Senator Carden from custodians of Ainsworth Cemetery and Trust Fund; Senator Kimberly from directors of Blue Grass Cemetery Association. Judiciary No. 2.

Opposing Senate File 43 relating to workmen's compensation law. Senator Tripp from representatives of Local Coal Miners Union of Iowa. Judiciary No. 2.

Favoring bill to establish Hydro Electric Power Commission. Senator Hicklin from cities of Muscatine and Morning Sun; Senator Wenner from city of Cedar Falls. Departmental affairs.

Favoring tax revision allocating more funds to public schools. Senator Wenner from Grundy Center public schools. Tax revision and reorganization.

RESIGNATION OF COMMITTEE CLERK

MR. PRESIDENT: I hereby resign as Clerk to Senator Wm. McArthur, effective as of Sunday, December 17, 1933. GENEVIEVE SMITH.

The resignation was accepted.

BILL SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 19th day of December, 1933, sent to the governor for his approval, Senate File 65. HOMER HUSH, *Chairman*.

Passed on file.

CONSIDERATION OF SENATE FILE 83 RESUMED

Senator Wilson called up for consideration his motion to reconsider the vote by which Senate File 83 failed to pass the Senate, as found on page 312 of the Senate journal, and moved its adoption.

Senator Bennett then called up his motion to lay on the table the motion to reconsider, found on page 312 of the journal.

Senator Bennett moved to defer action on consideration of his motion to table.

The President held that the motion to defer was out of order.

By unanimous consent, on request of Senator Wilson, the motion to reconsider Senate File 83 was made a special order of business for final determination at 10:00 a. m. Wednesday, December 20th, before consideration of Senate File 1.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 265, a bill for an act relating to license fees for the operation of an employment agency, and to enact a substitute therefor.

VIRGIL LEKIN, *Chief Clerk.*

Under motion of Senator Wilson for recess of the committee of the whole, as found on page 431 of the Senate journal, the committee of the whole reconvened, Chairman N. G. Kraschel presiding.

COMMITTEE OF THE WHOLE

Senator Klemme moved that the committee of the whole arise until 1:30 p. m. today.

The motion was lost.

Consideration of amendments to Senate File 1 was resumed, the question being on adoption of pending amendment by Senators Patterson, Beardsley, Calhoun and Ritchie, found on page 427 of the Senate journal, on which a division was granted, as found on page 429 of the Senate journal.

Senator Frailey moved the previous question, which motion prevailed.

Senator Stevens had a request for an amendment.

Senator Frailey raised the point of order that the previous question prevailed and any amendment was out of order.

The President held the point of order well taken.

Roll call was demanded.

Rule 8 was invoked.

On the question, "Shall the amendment, striking Division IV, be adopted?" the vote was:

Ayes, 11.

Aschenbrenner	Hill	Husted	Ritchie
Beardsley	Hopkins	Leo	Wilson
Calhoun	Hush	Patterson	

Nays, 38.

Anderson	Frailey	Miller of	Shangle
Baldwin	Geske	Buchanan	Stanley
Bennett	Harrington	Miller of Jones	Stevens of
Booth	Hicklin	Moore	Decatur
Byers	Irwin	Mullaney	Stevens of
Carden	Kimberly	Nelson	Wapello
Chrystal	Klemme	Pendray	Topping
Coykendall	Knudson	Reese	Tripp
Doze	McArthur	Roelofs	Valentine
Elthon	Meyer	Schmidt	Wenner
Fisch			

Absent or not voting, 1.

Beatty

The amendment was lost.

Senator Tripp moved to arise from the committee of the whole.

Senator Tripp withdrew his motion by unanimous consent.

Senator Patterson moved to defer action on Division IV and proceed with other amendments.

The motion prevailed.

On motion of Senator Klemme, the committee of the whole recessed until 1:30 p. m. today.

AFTERNOON SESSION

The committee of the whole reconvened.

Senator Stanley called up for consideration his amendment to sections 21, 22 and 25, as found on pages 375 and 376 of the Senate journal, and moved its adoption.

By unanimous consent, on request of Senator Stanley, the following corrective amendments to his pending amendment, as printed, were adopted:

(1) Amend section 21, line 1, by striking therefrom the word "Compensation" and inserting in lieu thereof the word "Computation".

(2) Amend subsection 2 by striking from line 4 the word "two" and inserting in lieu thereof the word "five".

(3) Amend subsection 3 by striking from line 5 the word "plus" and inserting in lieu thereof the following: "but in no case less than".

(4) Amend subsection 8 by striking from line 5 the following, "not less than five hundred dollars (\$500.00) and".

(5) Amend subsection 9 by striking all of the first sentence thereof.

The amendment as amended was adopted.

Senator Stanley offered the following amendment and moved its adoption:

Amend by renumbering section twenty-three (23) as section twenty-two (22) and section twenty-four (24) as section twenty-three (23).

Further amend by striking sections twenty-six (26) and twenty-seven (27) and inserting in lieu thereof as sections twenty-four (24) and twenty-five (25) the following:

"Section 24. Revision of Tax. A taxpayer may appeal to the board for revision of the tax, interest and/or penalties assessed against him at any time within one year from the time of the filing of the return or from the date of the notice of the assessment of such tax, additional tax, interest and/or penalties. The board shall grant a hearing thereon and if, upon such hearing, it shall determine that the tax, interest and/or penalties are excessive or incorrect, it shall revise the same according to the law and the facts and adjust the computation of the tax, interest and/or penalties accordingly. The board shall notify the taxpayer by registered mail of its findings and shall refund to the taxpayer the amount, if any, paid in excess of the tax, interest and/or penalties found by it to be due with interest after sixty days from the date of payment by the taxpayer at six per cent (6%) per annum.

"Section 25. Appeals.

1. An appeal may be taken by the taxpayer to the District Court of the county in which he resides, or in which his principal place of business is located, within sixty days after he shall have received notice from the board of its determination as provided for in the preceding section.

2. The appeal shall be taken by a written notice to the Chairman of the board and served as an original notice. When said notice is so served it shall, with the return thereon, be filed in the office of the Clerk of said District Court, and docketed as other cases, with the taxpayer as plaintiff and the board as defendant. The plaintiff shall file with such Clerk a bond for the use of the defendant, with sureties approved by such Clerk, in penalty at least double the amount of tax appeals from, and in no case shall the bond be less than fifty dollars (\$50.00), conditioned that the plaintiff shall perform the orders of the Court.

3. The Court shall hear the appeal in equity and determine anew all questions submitted to it on appeal from the determination of the board. The Court shall render its decree thereon and a certified copy of said decree shall be filed by the Clerk of said Court with the board who shall then correct the assessment in accordance with said decree. An appeal

may be taken by the taxpayer or the board to the Supreme Court of this state in the same manner that appeals are taken in suits in equity, irrespective of the amount involved."

Senator Stanley offered the following amendments to the pending amendment and moved their adoption:

Amend section 24 by striking from line 3 the words "one year" and inserting in lieu thereof the words "ninety days".

Also amend section 24 by striking from lines 3 and 4 the following: "the time of the filing of the return or from".

The amendments to the amendment were adopted.

The amendment as amended was adopted.

Senator Stanley offered the following amendment and moved its adoption:

Amend section fifty-two (52) by changing the period at the end of said section to a comma and adding the following: "out of the proceeds of the taxes collected under the provisions of this act".

The amendment was adopted.

Senator Stanley offered the following amendment and moved its adoption:

Amend section fifty-six (56) by inserting after the word "pay" in the fifteenth (15th) line thereof the following: ", out of the proceeds of the taxes collected under the provisions of this act, ".

The amendment was adopted.

Senator Stanley offered the following amendment and moved its adoption:

Amend section sixty-two (62) by striking the word "sixty" from the third (3rd) line thereof and inserting in lieu thereof the word "sixty-one".

By unanimous consent on request of Senator Stanley, his first amendment to section 62 was withdrawn.

Also further amend said section sixty-two (62) by adding after the period following the word "county" in the nineteenth (19th) line thereof the following: "The amount of the money so credited shall be apportioned by the County Treasurer to the various taxing districts of said county the same as though the amount thereof had been paid to the treasurer of said county by the taxpayers of said taxing district."

The amendment was adopted.

Senator Shangle offered the following amendment and moved its adoption:

Amend Division (II), Section Five (5) as follows:

Insert between lines sixteen (16) and seventeen (17) of sub-section "E" the following: "Whenever in any year it becomes necessary for

any Taxing District to increase the tax rate levies upon real property over those of the preceding year for that district, there shall be a like increase in the income tax rates in that same district for that same year over and above the tax rates imposed by this Act, said increase in the income tax rates to continue so long as the increase in real property tax levies continues."

The amendment was lost.

Senator Hush offered the following amendment and moved its adoption:

Amend section 6, subsection d, by striking from line 16 the words "of an infant".

The amendment was adopted.

Senator Shangle offered the following amendment and moved its adoption:

Amend Division (II), Section nine (9), paragraph three (3) by changing the period at the end of said paragraph to a comma and adding the following: "and except auto license fees, gasoline taxes, stamp taxes and postage stamps."

A division of the vote was asked.

The amendment was lost.

Senator Shangle offered the following amendment and moved its adoption:

Amend Division (II), Section nine (9), Paragraph six (6) by striking out the word "contributions" in line forty-three (43) and insert in lieu thereof the word "Donations".

The amendment was adopted.

Senator Shangle offered the following amendment and moved its adoption:

Amend Division (II), Section sixteen (16) by striking out paragraphs one (1) and two (2) and renumbering the remaining paragraphs.

The chairman called Senator Irwin to the chair at 2:43 p. m.

Senator Elthon offered the following amendment to the amendment and moved its adoption:

Amend by striking the following, "paragraph one (1) and" and inserting the word "paragraph".

The amendment to the amendment was lost.

The amendment was lost.

By unanimous consent, on request of Senator Byers his amendment to Sec. 27 as found on page 337 of the Senate journal was withdrawn.

Senator Stanley offered the following amendment and moved its adoption:

Amend by striking from line two (2) in section 37 the words and figures "section twenty-six (26) and section twenty-seven (27)" and inserting in lieu thereof the words and figures "section twenty-four (24) and section twenty-five (25)".

The amendment was adopted.

Senator Calhoun offered the following amendment and moved its adoption:

Amend by striking subsection 2 of Section 55 and inserting in lieu thereof the following:

"2. Where the board finds the taxpayer has made a fraudulent return, the costs of said hearing shall be taxed to the taxpayer. In all other cases the costs shall be paid by the state."

The amendment was adopted.

By unanimous consent, on request of Senator Stevens of Wapello his amendment as found on page 344 of the Senate journal was withdrawn.

Senator Stevens of Wapello offered the following amendment and moved its adoption:

Amend by striking out sub-section (f) of section 30, lines 26 to 31 inclusive.

The amendment was adopted.

On motion of Senator Wenner the committee of the whole arose and the Senate resumed regular session.

By unanimous consent, on request of Senator Wilson the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 236, by committee on judiciary No. 2, a bill for an act to amend section one (1), chapter eight (8), acts of the forty-fifth general assembly, relating to an examination of the financial transactions of school districts.

Read first and second times and placed on the calendar.

Senate File No. 237, by committee on judiciary No. 2, a bill for an act to repeal chapter seventy-five (75), acts of the forty-fifth general assembly, as the same appears in the enrolled bill, Senate File No. 146, and to enact a substitute therefor, relating to a license fee of one (1) cent per gallon on all motor vehicle fuel; and to enact a substitute therefor imposing a license fee of one (1) cent per gallon on all motor vehicle fuel used or otherwise disposed of within the state of Iowa, which shall be in addition to the license fee imposed by chapter two hundred fifty-one-A one (251-A1), code, 1931, and be for the purpose of providing funds to reimburse the counties of the state for expenditures made by them under the supervision of the highway commission for bridges, culverts and right-of-way on primary roads and paid for by the county out of the county road fund or the county bridge fund; and for the further purpose of providing additional revenue for the primary road fund.

Read first and second times and placed on the calendar.

HOUSE MESSAGE CONSIDERED

House File 265, a bill for an act to repeal section fifteen fifty-one-c four (1551-c4), Code, 1931 relating to license fees for the operation of an employment agency, and to enact a substitute therefor.

Read first and second times and referred to committee on labor.

SENATE RESOLUTION NO. 2

Whereas, A convention of delegates elected to consider the acceptance or rejection of the 21st amendment to the Constitution of the United States on behalf of the State of Iowa, met at the State House in Des Moines on July 10, 1933, and

Whereas, Under the provisions of chapter one (1), acts of the Forty-fifth General Assembly, the officers of said convention kept a journal of their proceedings, and

Whereas, There is no provision for the retention and binding of the printed copies of the proceedings of said convention in a regular publication of the state, now therefore

Be It Resolved by the Senate, That the superintendent of printing be instructed to print the proceedings of said convention and bind the same as a supplement and part of the bound volume of the Senate Journal of the Forty-fifth General Assembly in extraordinary session.

J. R. FRAILEY.

Passed on file.

SENATE CONCURRENT RESOLUTION NO. 5

Be It Resolved by the Senate, the House Concurring, That a committee of six be appointed to make recommendations to the regular session of the Forty-sixth General Assembly relative to a revision of the rules of procedure and statutes relative thereto, now and customarily in use by the Iowa legislature.

Be It Further Resolved, That said committee consist of three members to be appointed by the President of the Senate and three members to be appointed by the Speaker of the House; that two shall be members of the Senate and two members of the House of the Forty-fifth General Assembly and that two shall be former members or desk-force employees of the General Assembly.

Be It Further Resolved, That the members of the committee serve without compensation but that the expense of printing seven hundred fifty (750) copies of the report shall be determined as nearly as possible by the superintendent of printing and the appropriation to cover the expense thereof shall be made in the omnibus bill of this session.

Be It Further Resolved, That printed copies of the committee's report and recommendations be mailed to members of the Forty-fifth General Assembly and to members-elect of the Forty-sixth General Assembly on or before December 1, 1934.

D. MYRON TRIPP.

Passed on file.

SENATE CONCURRENT RESOLUTION NO. 6

Be It Resolved by the Senate, the House Concurring, That when the Senate and House of Representatives of the Forty-fifth General Assembly, in extraordinary session, adjourn on Friday, December 22, 1933, they adjourn to meet on Wednesday, January 3, 1934, at eleven o'clock a. m.

That the members of the Forty-fifth General Assembly in extraordinary session, their officers and those employees not assigned to the custodian's force, shall receive no compensation for services from the time of such adjournment to the time of the reconvening of the assembly, except—

That such clerical employees and doorkeepers shall, at the decision of the President and Secretary of the Senate and the Speaker and Chief Clerk of the House, be retained to perform the essential duties of the General Assembly during the interim, and that their compensation be set by the joint rules committee of the Senate and House, whose report shall be filed as a concurrent resolution after the reconvening of the General Assembly, January 3, 1934.

J. R. FRAILEY,
FRANK C. BYERS,
CHRIS REESE,
I. G. CHRYSAL,
C. H. TOPPING,
GEO. A. WILSON,
G. E. ROELOFS,

O. P. BENNETT,
R. V. LEO,
W. F. MILLER,
H. C. BALDWIN,
PAUL H. ANDERSON,
M. X. GESKE.

REPORTS OF COMMITTEES

Senator Hicklin submitted the following reports:

MR. PRESIDENT: Your committee on judiciary No. 2 to which was referred House File 115, a bill for an act to make permanent a temporary transfer made August 16, 1932, by authority of the Director of the Budget for Iowa, of ten thousand dollars (\$10,000.00) from the Secondary Road Construction Fund of O'Brien County, Iowa, to the Poor Fund of said county, begs leave to report it has had the same under consideration and returns the bill without recommendation. E. R. HICKLIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred House File 75, a bill for an act to make permanent a temporary transfer made June 12, 1933, by authority of the Director of the Budget for Iowa, of twenty-five thousand dollars (\$25,000.00) from the maintenance fund of Cherokee County, Iowa, to the poor fund of said county, begs leave to report it has had the same under consideration and returns the bill without recommendation. E. R. HICKLIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred House File 8, a bill for an act to legalize action of the Board of Supervisors of Lee County, Iowa, in making expenditures from the Lee County Insane Fund for the purpose of paying the expenses and maintenance of the Lee County Home, begs leave to report it has had the same under consideration and recommends the same do pass. E. R. HICKLIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred House File 106, a bill for an act to legalize the incorporation, including the notice of incorporation and the publication thereof, and corporate acts and proceedings relating to the incorporation of the Heiberg Brewing Company, incorporated of Waverly, Iowa, begs leave to report it has had the same under consideration and recommends the same do pass. E. R. HICKLIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred House File 141, a bill for an act to make permanent the transfer of funds in Washington Consolidated Independent School District, Dallas County, Iowa,

begs leave to report it has had the same under consideration and recommends the same do pass.

E. R. HICKLIN, *Chairman.*

Ordered passed on file.

Also :

Your committee on judiciary No. 2 to which was referred Senate File 140, a bill for an act to amend section ten thousand six hundred thirty-nine (10639), code, 1931, relating to criminal fees of police judges in townships having a population of more than twelve thousand persons, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

1. Amend Senate File 140 by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section five thousand six hundred sixty-six (5666) is hereby repealed and the following enacted in lieu thereof:

"The police judge shall be entitled, in all criminal cases prosecuted before him in behalf of the state, to the same fees as a justice of the peace in like cases; in prosecutions before him in behalf of the city, to such fees, not exceeding those for services of like nature in state prosecution, as the council may by ordinance prescribe. Such fees shall be collected in the same manner as those of a justice of the peace, in like cases, but shall not be paid to the police judge until collected from the party against whom said costs are assessed."

2. Amend Senate File 140 by striking the title and inserting in lieu thereof the following:

"An Act to repeal section five thousand six hundred sixty-six (5666), Code 1931, relating to fees of police judges and enacting a substitute therefor."

E. R. HICKLIN, *Chairman.*

Ordered passed on file.

Senator Tripp submitted the following reports:

MR. PRESIDENT: Your committee on ways and means to which was referred Senate File 208, a bill for an act to repeal section seven thousand one hundred and ninety-three-b one (7193-b1) of the Code of 1931, and to enact a substitute therefor relating to the compromising of taxes on personal property, begs leave to report it has had the same under consideration and recommends the same do pass.

D. MYRON TRIPP, *Chairman.*

Ordered passed on file.

Also :

Your committee on ways and means to which was referred Senate File 201, a bill for an act to amend section seven thousand three hundred and ninety-six of the Code of Iowa, of 1931, relating to the refund of inheritance tax, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

Amend section two (2) of Senate File No. 201, by putting a period after the word "litigation" in the first line thereof, and striking the balance of said section.

D. MYRON TRIPP, *Chairman*.

Ordered passed on file.

Senator Leo submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred Senate File 222, a bill for an act to accept the provisions of the Act of Congress of the United States of America approved June 6, 1933, entitled, "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes", and asking an appropriation therefor, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman*.

Ordered passed on file.

The journal of December 18th was corrected and approved.

AMENDMENTS FILED

Amend Senate File 1, Section 45, by substituting for line eleven (11) thereof the following:

"collect the tax herein levied; provided, however, that the Board may, upon request by any retailer and a proper showing of the necessity therefor, grant unto such retailer an extension of time of not to exceed thirty (30) days for making such return. If such extension is granted to any such retailer, the time in which he is required to make payment as provided for in Section 46 of this Act shall be extended for the same period."

WM. S. BEARDSLEY.

Amend Senate File 1 by striking therefrom section thirty nine (39) thereof, and by substituting the following in lieu thereof:

"Sec. 39. Tax Imposed.

1. There is hereby imposed, beginning the first day of January, 1934, a retail sales tax, at the rates hereinafter fixed, upon the gross receipts of all sales of tangible personal property, consisting of goods, wares, or merchandise, except as otherwise provided in this Division, sold at retail in the State of Iowa to consumers or users, which retail sales tax shall be levied, computed and collected as hereinafter provided, according to the following rates:

(a) Up to \$75,000 of annual gross retail sales, or any part thereof, one per cent (1%).

(b) From \$75,000 to \$150,000 of annual gross retail sales, or any part thereof, one and one half per cent (1½%).

(c) On all annual gross retail sales in excess of \$150,000 two per cent (2%).

2. For the purposes of this Act, every person, firm, corporation, association, partnership, or agency whatsoever, operating in whole or in part any store or stores in the state, for the purpose of selling at retail any

tangible personal property consisting of goods, wares or merchandise, to consumers or users, shall be considered as a single unit for the collection of taxes under this Act, and the rates as provided in this Act shall be applied upon the entire volume of all sales made by any such retailer through all retail establishments under the management or control of such retailer. The State Board shall provide for joint returns from the retailer in all cases where more than one retail agency or store is under the same general management, supervision, ownership or control.

3. There is also hereby imposed a tax of two per cent (2%) upon the gross receipts from all sales of tickets or admissions to all places of amusement, recreation or entertainment for which an admission is charged, except as otherwise provided in this Division, which tax shall be effective on and after January 1, 1934.

D. MYRON TRIPP,
ROY E. STEVENS,
FRED W. NELSON,
CHAS. D. BOOTH,

O. P. BENNETT,
E. R. HICKLIN,
F. M. BEATTY.

Amend Senate File 1 by striking out from Section 40, sub-section b.

Amend Senate File 1 by adding after section 39 as Section 39-a the following:

"There is hereby imposed, beginning the first day of January, 1934, as a privilege tax for the right of doing business in the State of Iowa, a tax upon the gross income of the businesses herein enumerated as follows:

(a) Upon the gross income of all street railways one half of one per cent ($\frac{1}{2}\%$).

(b) Upon the gross income of all telegraph, express, electric light and power companies one and one-fifth per cent ($1\frac{1}{5}\%$).

(c) Upon the gross income of all companies operating pipe lines carrying oil or gas two per cent (2%).

(d) Upon the gross income of all other public service companies or utilities, including railroads, gas, water, and heat, eighty hundredths per cent ($80/100\%$).

(e) Upon the gross income of telephone companies a tax of one per cent (1%) on all gross income of \$75,000.00 or less per annum.

(f) Upon the gross income of telephone companies in excess of \$75,000.00 up to \$250,000.00 a year, or any part thereof, two per cent (2%).

(g) Upon the gross income of telephone companies in excess of \$250,000.00 three per cent (3%).

"Every company subject to a tax as provided in this section shall make a report semi-annually to the Board on forms to be provided by the Board and the Board shall make such regulations as may be necessary for the collection of the tax imposed by this section."

FRED W. NELSON,
F. M. BEATTY,
D. MYRON TRIPP,

ROY E. STEVENS,
E. R. HICKLIN,
O. P. BENNETT.

Amend Senate File 1 by adding to section 45 thereof the following:
"Such quarterly reports made for periods subsequent to the first day

in each calendar year shall include a statement of the entire taxable gross receipts accrued since January first of such year and the tax payable for each quarter shall be computed on such entire gross receipts at the rates specified in this Act."

D. MYRON TRIPP
ROY E. STEVENS
FRED W. NELSON

O. P. BENNETT
E. R. HICKLIN

Amend Senate File 1 by adding to par. 2 of section forty-six (46) the following:

"The tax upon the gross receipts for each quarterly period shall be computed upon the entire amount of gross receipts accrued since the beginning of the calendar year at the rates specified in this Act."

D. MYRON TRIPP
ROY E. STEVENS
FRED W. NELSON

O. P. BENNETT
E. R. HICKLIN

Amend Senate File 198 (1) By striking out sections 1, 2 and 3 and inserting the following in lieu thereof:

"Section 1. No action may be brought upon any note secured by a mortgage upon real estate located outside the state of Iowa until said mortgage has been foreclosed and said security exhausted by sale, and the proceeds received therefrom credited upon said note, provided, however, that if the holder of said note shall elect to waive said real estate security and assign the same to the maker of the note secured thereby, then action will be brought thereon.

"Sec. 2. In all actions now pending where suit has been commenced upon a promissory note, secured by a mortgage upon real estate located outside of the state of Iowa, the same shall, on application made by any defendant liable for the payment of the same, be continued until the mortgage securing the same has been foreclosed and the security exhausted by sale and the proceeds received therefrom credited upon said note, or until said mortgage has been assigned to the maker of the note as provided in section 1 hereof."

(2) Further amend said bill by changing the last section from section 4 to section 3.

LEO ELTHON.

Amend Senate File 230, Section 1, Sub-section "g", by striking the period at the end of line 59 thereof and inserting in lieu thereof a comma and the following: "and the sale of live stock and/or grain produced outside this state and shipped into this state for sale at a public market shall not, as to the net proceeds thereof, constitute gross receipts or income."

Further amend by inserting as sub-paragraph "g", Section 3 thereof, the following: "(g) Live stock and grain traders doing business on a public market, except that they shall be taxed on the same basis as commission merchants and the gross income of such taxpayers from the sale of live stock, grain and/or cereals shall be the difference between the cost and the gross proceeds of the sale of such property."

E. R. HICKLIN

Amend Senate File 191 as follows:

1. Strike out sections one (1) and two (2) and in lieu insert the following, to wit:

"Section 1. To meet an emergency, the board of supervisors of Webster County, Iowa, any statute of the state to the contrary notwithstanding, is hereby authorized to allow, in addition to the budget allowances for the year 1933, claims not exceeding the following respective amounts and for the following expenditures, and the County Auditor is hereby authorized to issue warrants on such additional allowed claims, to wit:

Expenditures for carrying on the office of sheriff for the year 1933, \$2000.00.

Expenditures for carrying on the office of County Superintendent of Schools for the year 1933, \$600.00.

Expenditures for carrying on the office of County Treasurer for the year 1933, \$400.00.

Expenditures for carrying on the office of Clerk of the District Court for the year 1933, \$900.00.

Expenditures for carrying on the office of County Attorney for the year 1933, \$500.00.

Expenditures for stationery and for court house purposes for 1933, \$700.00.

"Sec. 2. In order to meet said additional expenditure, the County Auditor of said County is hereby authorized to enter upon the tax books of said County for collection in 1934, and for the general fund and in addition to that already levied in said fund for collection in 1934, an additional levy sufficient to raise approximately the sum of \$5100.00."

2. Insert in the title immediately following the word "the" in the first line of the printed title the following words to wit: "board of supervisors to allow and the".

3. Insert in the title immediately following the word "offices" in line three (3) of the printed title, the following words, to wit: "and for certain other unavoidable expenses of the County."

PAUL H. ANDERSON.

Amend Senate File 1 as follows:

Strike all of sections 38 to 41 inclusive, renumber the remaining sections and substitute the following in lieu of the stricken sections:

"Sec. 38. Definitions. For the purpose of this division, and unless otherwise required by the context:

1. The word "taxpayer" means and includes every person, individual, firm, co-partnership, association, corporation, society, congregation, and/or body of persons howsoever associated, or organized, and/or fiduciary, who derives or receives any income from any and all business done or transacted in the State of Iowa.

2. The word "person" applies only to individuals, and means and includes, for the purpose of determining liability to the tax imposed in this act, any person or individual domiciled in the State of Iowa, and any other individual who maintains a permanent place of abode within this state, or spends in the aggregate more than six months within the state, or maintains or occupies a permanent place of doing or transacting business in the State of Iowa.

3. The word "corporation" means and includes joint stock companies,

limited partnerships, associations, societies, congregations, municipal corporations, or bodies of persons howsoever associated or organized.

4. The words "tax year" mean the calendar year.

5. The word "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person, whether individual or corporate, acting in any fiduciary capacity for any person, corporation, trust or estate.

6. The word "individual" or "person" means a natural person.

7. The word "dividend" means any distribution made by a corporation out of its earnings or profits to its shareholders or members, whether in cash or in other property or in stock of a corporation.

8. The phrase "doing business in Iowa" means and includes the rendering or performing of any manual, personal or professional labor or service of any kind or character, and/or the bartering, selling or exchanging of any tangible or intangible property, either individually, or by brokers, factors or commission merchants, and/or the keeping or maintaining of any office, store or other place of business within the State of Iowa, and/or the soliciting or taking of orders from consumers for articles, goods, wares, merchandise, or services, and/or the keeping or maintaining of a wholesale stock of goods, wares or merchandise within the State of Iowa, and/or the manufacturing or processing of any goods, wares or merchandise within the State of Iowa, and/or the making of any loans, or receiving of interest or dividends on loans or investments from persons, individuals, firms, partnerships, corporations, organizations or societies howsoever organized located in the State of Iowa, and/or the conducting or carrying on of any business or profession in the State of Iowa from which a gross income or revenue is derived.

9. The term "wholesale" shall include any person or corporation doing a regularly organized wholesale business known to the trade as such, selling only to registered retail merchants or jobbers, and also, persons engaged in acquiring and assembling by purchase from others, commodities of trade, commerce and production within the state, for the purpose of resale and selling and marketing or shipping the same in bulk; but such terms shall be applied only to such activities as are wholesale in their character as such term is ordinarily used and understood.

10. The term "manufacturer" shall mean persons or corporations engaging, or continuing, within the state in the business of manufacturing, compounding, processing, producing, or preparing for sale, profit or use, either as a finished product or partly finished product any commodity, the production of which is calculated for sale at wholesale or retail, or for future processing and manufacturing.

11. The term "gross income" means and includes cash receipts and proceeds, or its equivalent, received or derived from: (a) salaries, wages, or compensation for personal or professional services of every kind and character; and/or (b) professions, vocations, trades, business, commerce, sales or dealings in property, whether real or personal, tangible or intangible; and/or (c) interest, rent, dividends, or royalties; and/or (d) the transacting of any business, or income from any source whatsoever and in whatever form paid or received, except such items as are hereinafter specifically exempted therefrom.

12. The term "gross income" does not include the following items, which shall not be included for taxation under this act:

The value of property acquired by gift, bequest, devise, or descent, but the income from such property shall be included for taxation under gross income. Interest and principal paid on obligations of the United States or its possessions, agencies, or instrumentalities, which are, or shall be, exempt from state taxation by federal law, or salaries of officials or employees thereof, which are or shall be exempt from state taxation by federal law. The proceeds of the sale by any corporation of its capital stock. The proceeds of the sale by any corporation of its bonds. The amount received by the taxpayer as a loan, or the repayment of the loan to the lender, or his assignees. Goods, wares or merchandise, or the value thereof, returned by customers refunded in cash, cash discounts allowed and taken on sales. All selective sales taxes now levied upon cigarettes, gasoline, or other property which are received or collected by the taxpayer for the State of Iowa or the United States Government, its departments or agencies.

"Sec. 39. Levy and Rates. From and after the first day of January, 1934, there is hereby annually levied upon every taxpayer within the meaning of this division of this act, located in or transacting business in the State of Iowa, a tax upon his or its privilege to do or transact business in the State of Iowa, computed at the rates hereinafter set forth, and except as herein provided, to-wit:

(a) Upon every taxpayer transacting, engaging or continuing within this state in the business of manufacturing, mining, wholesaling, jobbing, farming, and livestock raising, processing, compounding or the preparation for sale, profit or use of any commodity, the tax to be in an amount equal to the value of the articles manufactured, mined, wholesaled, jobbed, produced, raised, processed, compounded or prepared for sale, as shown by the gross proceeds derived from the sale thereof by such manufacturer, wholesaler, jobber, miner, or farmer, except as hereinafter provided, multiplied by a rate of one-fourth of one per cent. The gross proceeds for the purposes of this paragraph shall be the value in the State of Iowa, before it enters interstate commerce, of the entire product at the time of such transaction, manufactured, mined, wholesaled, jobbed, produced, processed, compounded or prepared for sale, profit or use, regardless of the place of sale, or the fact that deliveries may be made to points outside the state.

(b) Upon any taxpayer located in, or engaged or continuing in any occupation, trade, office, profession or calling, where the gross income is represented by a compensation in the form of a wage or salary, the tax to be in an amount equal to the gross income of such taxpayer from such source, multiplied by a rate of one-half of one per cent.

(c) Upon every taxpayer located in, engaged in, continuing in, or doing any business where the gross income is represented by compensation in the form of fees, commissions, interest, dividends, (including stock dividends), a tax to be in an amount equal to the gross income so received from such source, multiplied by one-fourth of one per cent.

(d) Upon every taxpayer engaging in, continuing in, or doing any business, the gross income from which is represented by rents, royalties

and discounts, the tax shall be in an amount equal to the gross income received from such source, multiplied by three-fourths of one per cent.

(e) Upon every taxpayer engaged in, continuing in, or transacting an amusement business, including ball parks, skating rinks, pool halls, theatres, moving pictures, athletic exhibitions or matches, and all other similar transactions, the amount of such tax shall be a sum equal to the gross income received from such source, multiplied by one per cent.

(f) Upon any taxpayer engaging in or continuing in the business of transporting persons or things, for public hire as a common carrier, or in the business of transmitting messages or communications, for public hire as a common carrier, (including telephone and telegraph businesses), and in the business of public utilities, (including the furnishing of heat, power, light, gas, water, and the services in connection therewith), the tax shall be an amount equal to the gross income received from such source, multiplied by one per cent.

(g) Upon every taxpayer engaging in, continuing in, or doing and transacting the business of selling goods at retail through stores, agents, solicitors, or otherwise, where such sale is intended as a sale to the ultimate consumer and is not intended for resale, a tax shall be computed by multiplying the gross income received or derived therefrom, by the following rates, to-wit:

1. On the first fifty thousand dollars (\$50,000.00) or fraction thereof, by one-half of one per cent.

2. On the second fifty thousand dollars (\$50,000.00) or any part thereof, by three-fourths of one per cent.

3. On the third fifty thousand dollars (\$50,000.00) or any part thereof, by one per cent.

4. On the fourth fifty thousand dollars (\$50,000.00) or any part thereof, by one and one-fourth per cent.

5. On the fifth fifty thousand dollars (\$50,000.00) or any part thereof, by one and one-half per cent.

6. On the sixth fifty thousand dollars (\$50,000.00) or any part thereof, by one and three-fourths per cent.

7. Upon any sum in excess of three hundred thousand dollars (\$300,000.00), by two per cent.

For the purposes of this section, every person, firm, corporation, association, partnership, or agency whatsoever, operating in whole or in part any store or stores in this state, for the purpose of selling at retail any tangible personal property to consumers or users thereof, shall be considered as a single unit for the collection of taxes under this act, and the rates as provided in this act shall be applied upon the entire volume of all sales made by any such retailer, through all retail establishments under the management or control of such retailer. The State Board shall provide for joint rates from the retailer in all cases where more than one retail agency or store is under the same general management, supervision, ownership or control.

(h) Upon every taxpayer doing, engaging in, or continuing any business, trade, profession or occupation within this state other than those included in the seven preceding subdivisions of this section, the amount of such tax shall be equal to the gross revenues and receipts from such sources, multiplied by a rate of one per cent.

"Sec. 40. If any taxpayer liable for any tax under sub-divisions a, b, c, d, e, f, g or h of Section 39, shall ship or transport his product, or any part thereof, out of the state, without making sale of such products, the value in the State of Iowa of such products or articles in the condition or form in which they existed when prepared for transportation out of this state, shall be deemed to be the amount of the gross receipts and income therefrom.

"Sec. 41. The Board shall prescribe equitable and uniform rules for the interpretation of the requirements of this division in the ascertainment of values and in the determination of the proper classification of taxpayers.

"Sec. 42. There are hereby exempted from the provisions of this subdivision the following:

(a) Insurance companies which, under Chapter 335, of the Code of Iowa, 1931, now pay to the State of Iowa, taxes upon gross premium income.

(b) Assessment Life Insurance Companies organized under Chapter 400 of the Code of 1931, and fraternal beneficiary societies, orders or associations as defined in Chapter 402 of the 1931 Code of Iowa, and amendments thereto, and all such corporations, societies, orders or associations lawfully doing business in this state.

(c) Charitable, benevolent, religious and educational institutions and labor organizations not conducted for pecuniary profit.

(d) Libraries, art galleries and cemeteries not conducted for pecuniary profit.

(e) Fraternal organizations not conducted for pecuniary profit.

(f) Persons or corporations engaged in the transportation of persons or goods as a motor carrier under the provisions of Chapter 252-a-1, Code of Iowa, 1931, which are now subject to the payment of a business privilege tax computed by a rate per ton mile.

(g) Co-operative organizations not conducted for the profit of such organizations, where the entire gross income from its transactions, not used for the payment of its expenses, or reserved for contingent costs or losses or reserved to comply with statutory requirements for such organizations, accrues to its members on the basis of their patronage."

D. MYRON TRIPP,

E. R. HICKLIN,

ROY E. STEVENS,

FRED W. NELSON,

ORA HUSTED,

VINCENT F. HARRINGTON.

On motion of Senator Shangle the Senate adjourned until 10:00 a. m. Wednesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 20, 1933.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. Henry McCraven, pastor of the A. M. E. Church of Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Knudson for the day, on request of Senator Ritchie.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring Senate File 155. Senator Harrington from voters of Woodbury county. Senator Anderson from voters of Plymouth, Calhoun and Sioux counties. Opposing Senate File 155. Senator Booth from voters of Griswold and Elliott. Emergency legislation.

Favoring tax limitation of 10 mills on property. Senator Anderson from taxpayers of Webster county. Tax revision and reorganization.

Favoring amendment to gross income tax bill exempting religious, charitable and educational institutions from taxation. Senator Booth from citizens of Atlantic; Senator McArthur from voters of Mason City. Tax revision and reorganization.

Favoring gross income tax bill. Senator Byers from voters of Cedar Rapids. Favoring tax on chain stores. Senator Irwin from voters of Clinton. Tax revision and reorganization.

Favoring increase in restaurant license fees. Senator Chrystal from restaurant owners of Sac City, Auburn, and Odebolt. Public health.

Opposing Section B, Part 2, of the liquor control bill, relating to restaurant accommodations. Senator Chrystal from voters of Carroll and Templeton. Liquor control.

Opposing House File 180 relating to repeal of the Farm Bureau law. Senator Geske from Clayton county Farm Bureau. County and township affairs.

Opposing tax on fraternal insurance. Senator Geske from Lutheran Mutual Aid Society of Strawberry Point. Tax revision and reorganization.

INTRODUCTION OF BILLS

Senate File No. 238, by committee on appropriations, a bill for an act making an appropriation in the sum of Nine Hundred Thirteen dollars and seventeen cents (\$913.17) for the payment of the necessary expenses of the special corporation commission authorized by the Forty-fourth General Assembly and continued by the Forty-fifth General Assembly of the State of Iowa.

Read first and second times and placed on the calendar.

CONSIDERATION OF SPECIAL ORDER ON SENATE FILE 83

The time having arrived for the consideration of special order on Senate File 83, Senator Wilson called up his motion to reconsider the vote by which the bill failed to pass the Senate and upon which action was deferred on December 19th, as shown by the Senate journal, on page 437.

Senator Bennett having made a motion to table Senator Wilson's motion to reconsider, Senator Bennett moved the adoption of his motion, found on page 312 of the Senate journal.

Roll call was demanded.

On the question, "Shall the motion to table prevail?" the vote was:

Ayes, 12.

Beatty	Chrystal	Shangle	Topping
Bennett	Coykendall	Stevens of	Tripp
Booth	Husted	Wapello	
Carden	Roeelofs		

Nays, 35.

Anderson	Calhoun	Frailey	Hopkins
Baldwin	Doze	Geske	Hush
Beardsley	Elthon	Hicklin	Irwin
Byers	Fisch	Hill	Kimberly

Klemme	Miller of Jones	Pendray	Stevens of
Leo	Moore	Reese	Decatur
McArthur	Mullaney	Ritchie	Valentine
Meyer	Nelson	Schmidt	Wenner
Miller of Buchanan	Patterson	Stanley	Wilson

Absent or not voting, 3.

Aschenbrenner Harrington Knudson

The motion to table was lost.

Senator Wilson moved the adoption of the first part of his motion "to reconsider the vote by which Senate File 83 failed to pass the Senate and the vote by which the bill passed to its third reading," said motion being found on page 312 of the Senate journal.

On the question, "Shall the motion prevail?" the vote was:

Ayes, 37.

Anderson	Frailey	McArthur	Pendray
Baldwin	Geske	Meyer	Reese
Beardsley	Hicklin	Miller of	Ritchie
Byers	Hill	Buchanan	Schmidt
Calhoun	Hopkins	Miller of Jones	Stanley
Carden	Hush	Moore	Topping
Coykendall	Irwin	Mullaney	Valentine
Doze	Kimberly	Nelson	Wenner
Elthon	Klemme	Patterson	Wilson
Fisch	Leo		

Nays, 8.

Beatty	Roelofs	Stevens of	Stevens of
Bennett	Shangle	Decatur	Wapello
Chrystal			Tripp

Absent or not voting, 5.

Aschenbrenner Harrington Husted Knudson
Booth

The motion to reconsider the vote by which the bill failed to pass prevailed.

Senator Wilson moved the adoption of the second part of his motion, found on page 312 of the Senate journal, "to reconsider the vote by which the bill passed to its third reading".

The motion prevailed.

While Senator Shangle was speaking, Senator Wilson raised the point of order that Senator Shangle was not discussing the bill but an entirely different subject.

The President pro tempore held the point not well taken and permitted Senator Shangle to proceed.

Senator Calhoun offered the following amendment and moved its adoption:

Amend by striking Section 1 and inserting in lieu thereof the following:
"Section 1. Amend Section seven (7), Chapter one hundred twenty-three (123), Acts Forty-fifth General Assembly by adding thereto the following:

'Provided any city or town upon application to the State Comptroller and upon showing made to said State Comptroller of strict necessity arising from the fact that the amount which can be made available under this act for the fire fund or for the maintenance and operation of the fire department within such city or town is clearly inadequate for such purposes, may be exempted by the State Comptroller from the limitation by this section but only to the extent required by such necessity and not in excess of the amount of money raised by the 1930 millage levy for such fund or purpose, and only for the year for which such exemption shall be granted. Said application and hearing shall be in the form and manner prescribed in Section two (2) of this Chapter, except that no additional notice of hearing or publication of notice of hearing, required by said Section two (2) shall be required to permit the State Comptroller to reconsider any application heretofore filed for relief from the limitations of this Section'."

The amendment was adopted.

Senator Stevens of Wapello offered the following amendment to the Calhoun amendment as adopted and moved its adoption:

Amend by inserting in line 13 of section 1 after the word "excess" the words "of ninety per cent".

Senator Bennett moved to recess until 1:30 p. m. today.

Senator Bennett withdrew his motion to recess, by unanimous consent.

Senator Calhoun raised the point of order that the amendment was out of order as the Calhoun amendment was adopted and not up for amendment.

The President pro tempore held the point of order not well taken.

Senator Frailey moved the previous question on the pending amendments and the main bill. The motion prevailed.

Roll call was demanded on the Stevens amendment.

On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 21.

Aschenbrenner	Coykendall	Miller of Jones	Stevens of
Beatty	Doze	Mullaney	Wapello
Bennett	Fisch	Roelofs	Topping
Booth	Harrington	Shangle	Tripp
Carden	Hill	Stevens of	Wenner
Chrystal	Husted	Decatur	

Nays, 28.

Anderson	Hicklin	McArthur	Pendray
Baldwin	Hopkins	Meyer	Reese
Beardsley	Hush	Miller of	Ritchie
Byers	Irwin	Buchanan	Schmidt
Calhoun	Kimberly	Moore	Stanley
Elthon	Klemme	Nelson	Valentine
Frailey	Leo	Patterson	Wilson
Geske			

Absent or not voting, 1.

Knudson

The amendment was lost.

Senator Elthon arose for a point of information.

Senator Frailey raised the point of order that, since the motion for the previous question had prevailed, debate was out of order.

The President pro tempore held the point well taken but explained that, under the rules, those who had filed requests at the desk would be permitted to address the Senate, and that Senator Elthon had arisen on a point of information and should be permitted to proceed with his question.

Senator Shangle moved to recess until 1:30 p. m. today.

Senator Wilson raised the point of order that the previous question had prevailed and that a motion to recess was out of order until a final vote had been taken on the bill.

The President pro tempore held that the motion to recess was out of order.

Senator Wilson moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?" the vote was:

Ayes, 29.

Anderson	Hicklin	Meyer	Reese
Baldwin	Hopkins	Miller of	Ritchie
Beardsley	Hush	Buchanan	Schmidt
Byers	Irwin	Moore	Stanley
Calhoun	Kimberly	Nelson	Valentine
Elthon	Klemme	Patterson	Wenner
Frailey	Leo	Pendray	Wilson
Geske	McArthur		

Nays, 20.

Aschenbrenner	Coykendall	Miller of Jones	Stevens of
Beatty	Doze	Mullaney	Wapello
Bennett	Fisch	Roelofs	Topping
Booth	Harrington	Shangle	Tripp
Carden	Hill	Stevens of	
Chrystal	Husted	Decatur	

Absent or not voting, 1.

Knudson

The bill having received a constitutional majority was declared to have passed the Senate.

By unanimous consent, on request of Senator Wilson the title was amended to read as follows:

"A Bill for an Act to amend chapter one hundred twenty-three (123), Acts of the Forty-fifth General Assembly, relative to levies to be made by any city or town for fire fund and fire department maintenance."

The title as amended was agreed to.

Senator Wilson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table.

The motion prevailed.

Senator Shangle moved that the Senate recess until 2:00 p. m. today.

Senator Husted moved to amend by making the time 1:30 p. m.

Senator Topping, as a substitute for all pending motions for a recess, moved to recess until 1:45 p. m., today.

The substitution was made.

The substitute motion prevailed and the Senate recessed until 1:45 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

Senator Chrystal asked unanimous consent to take up the committee report for the indefinite postponement of Senate File 62.

Senator Byers objected.

Senator Byers moved that the Senate go into a committee of the whole to take up tax revision bills.

Senator Schmidt asked unanimous consent to return to consideration of resolutions.

Senator Chrystal moved as a substitute that the Senate consider the committee report on Senate File 62.

The substitute was declared out of order.

Senator Byers withheld his motion, for going into the committee of the whole, in deference to Senator Schmidt's request.

DISPOSITION OF BILLS ON CALENDAR FOR INDEFINITE POSTPONEMENT

Senator Patterson asked an opinion of the President pro tempore on the status of the bills on the calendar recommended for indefinite postponement.

President pro tempore Irwin ruled as follows:

Due to the fact that the Senate has violated rule 39, in that it has allowed consideration of tax revision bills to take precedence over all other business, and bills reported for indefinite postponement have passed the three day limit, and since the bills were not called regularly by either the President of the Senate or Chairman of the committee recommending indefinite postponement, they may be taken up and considered at a later date.

Consent was granted Senator Schmidt to consider his resolution, as found on page 342 of the Senate journal.

Senator Schmidt moved the adoption of the resolution.

Senator Wenner offered the following amendment and moved its adoption:

Amend by striking the words "Tuesday, December 26th, 1933, at 1:00 p. m." and inserting in lieu thereof the words, "Wednesday, December 27, 1933, at 10:00 a. m."

President N. G. Kraschel took the chair at 2:32 p. m.

Senator Byers moved to substitute Senate Concurrent resolution No. 6 as found on page 444 of the Senate journal for Senate Concurrent resolution No. 4 and all pending amendments and moved its adoption.

Senator Beardsley moved the previous question on the substitute resolution, which motion prevailed.

Roll call was demanded.

On the question, "Shall the substitution be made?" the vote was:

Ayes, 17.

Anderson	Chrystal	Miller of	Stevens of
Aschenbrenner	Geske	Buchanan	Wapello
Baldwin	Harrington	Reese	Topping
Bennett	Hicklin	Roelofs	Wilson
Byers	Leo	Stanley	

Nays, 27.

Beardsley	Fisch	Meyer	Ritchie
Booth	Hopkins	Miller of Jones	Schmidt
Calhoun	Hill	Moore	Shangle
Carden	Hush	Mullaney	Tripp
Coykendall	Irwin	Nelson	Valentine
Doze	Klemme	Patterson	Wenner
Elthon	McArthur	Pendray	

Absent or not voting, 6.

Beatty	Husted	Knudson	Stevens of
Frailey	Kimberly		Decatur

The substitution was lost.

The question was on the Wenner amendment.

Roll call was demanded.

On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 38.

Anderson	Doze	Meyer	Ritchie
Aschenbrenner	Elthon	Miller of	Schmidt
Beardsley	Fisch	Buchanan	Shangle
Beatty	Geske	Miller of Jones	Stanley
Bennett	Hill	Moore	Stevens of
Booth	Hopkins	Mullaney	Wapello
Byers	Hush	Nelson	Topping
Calhoun	Irwin	Patterson	Tripp
Carden	Kimberly	Pendray	Valentine
Coykendall	Klemme	Reese	Wenner

Nays, 3.

Chrystal	Harrington	Hicklin
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Absent or not voting, 9.

Baldwin
Frailey
Husted

Knudson
Leo

McArthur
Roelofs

Stevens of
Decatur
Wilson

The amendment was adopted.

The resolution as amended was adopted.

Senator Byers renewed his motion that the Senate resolve itself into a committee of the whole.

The motion prevailed.

COMMITTEE OF THE WHOLE

Senator Harrington moved that the committee of the whole arise.

The motion was lost.

Senator Shangle withdrew his amendment to section 6, as found on page 411 of the Senate journal, by unanimous consent.

Senator Valentine offered the following amendment and moved its adoption:

Amend by striking lines 18, 19, 20 and 21 of Section 6 and inserting in lieu thereof the following: "(e) Income of an estate during the period of administration or settlement upon which the tax is to be paid as provided in sub-section 4 of this section."

The amendment was adopted.

By unanimous consent, on request of Senator Byers, his amendment to section 40, as found on page 344 of the Senate journal, was withdrawn.

Senator Beardsley offered the following amendment and moved its adoption:

Amend Section 45, by substituting for line eleven (11) thereof the following:

"collect the tax herein levied; provided, however, that the Board may, upon request by any retailer and a proper showing of the necessity therefor, grant unto such retailer an extension of time of not to exceed thirty (30) days for making such return. If such extension is granted to any such retailer, the time in which he is required to make payment as provided for in Section forty-six (46) of this Act shall be extended for the same period."

The amendment was adopted.

On motion of Senator Beatty the Senate arose from the committee of the whole.

The Senate resumed regular session.

SENATE RESOLUTION NO. 2 CONSIDERED

Senator Byers called up for consideration Senate Resolution No. 2 as found on page 443 of the Senate journal, and moved its adoption.

The resolution was adopted.

REPORT OF COMMITTEE ON COMMITTEE CLERKS

MR. PRESIDENT:

Your committee on clerks has assigned Dorothy Ennis as clerk to Senator Anderson effective December 16, 1933, and Catherine O'Boyle as clerk to Senator McArthur effective December 18, 1933.

LAFE HILL, *Chairman*,
M. MOORE,
CHRIS REESE.

By unanimous consent, on request of Senator Hill, the rules were suspended and the report was taken up out of order and considered.

The report was adopted.

A. H. Malcolm, the secretary's clerk; Dorothy Ennis, Senator Anderson's clerk; and Catherine O'Boyle, Senator McArthur's clerk, all recently elected to fill vacancies created by resignations, presented themselves at the secretary's office where they took their prescribed oaths of office.

SENATE CONCURRENT RESOLUTION NO. 5 CONSIDERED

Senator Tripp called up for consideration, Senate concurrent resolution No. 5, as found on page 444 of the Senate journal, and moved its adoption.

Senator Wenner offered the following amendment to the resolution and moved its adoption:

Amend paragraph 3, by inserting after the word "thereof" in line 5, as it appears in the journal, the following:

"and the necessary expenses of the committee".

The amendment was adopted.

The resolution as amended was adopted.

President N. G. Kraschel announced that he concurred in the ruling of President pro tempore Harold L. Irwin as to the disposition of bills reported out for indefinite postponement, as shown on page 461 of the journal.

The journal of December 19th was corrected and approved.

AMENDMENTS FILED

Amend Senate File 171 as follows:

1. Strike all after the enacting clause and insert in lieu thereof the following:

"Section 1. Amend section five thousand three hundred thirty-four (5334), Code, 1931, by inserting immediately following the word "supplies", in line four (4), the following:

' , medical or dental attendance or services'.

"Sec. 2. Section five thousand three hundred thirty-four-c one (5334-c1), Code, 1931, is hereby repealed."

2. Further amend Senate File 171 by striking the title therefrom and inserting in lieu thereof the following:

"An Act to amend section five thousand three hundred thirty-four (5334), Code, 1931, and to repeal section five thousand three hundred thirty-four-c one (5334-c1), relating to contracts and professional services for poor persons."

PAUL W. SCHMIDT.

Amend Senate File 191 as follows: 1. Strike out sections one (1) and two (2) and in lieu thereof insert the following:

"Section 1. To meet an emergency, the board of supervisors of Webster County, Iowa, any statute of the state to the contrary notwithstanding, is hereby authorized to allow, in addition to the budget allowances for the year 1933, claims not exceeding the following respective amounts and for the following expenditures, and the County Auditor is hereby authorized to issue warrants on such additional allowed claims, to-wit:

"Expenditures for carrying on the office of County Superintendent of schools for the year 1933, One Hundred Dollars (\$100.00).

"Expenditures for carrying on the office of County Treasurer for the year 1933, Four Hundred Dollars (\$400.00).

"Expenditures for carrying on the office of Clerk of the District Court for the year 1933, Nine Hundred Dollars (\$900.00).

"Expenditures for carrying on the office of Sheriff for the year 1933, Two Thousand Dollars (\$2000.00).

"Expenditures for carrying on the office of County Attorney for the year 1933, Five Hundred Dollars (\$500.00).

"Expenditures for printing and stationery, Four Thousand Dollars (\$4000.00), for the year 1933.

"Expenditures for court house purposes for the year 1933, Three Thousand Dollars (\$3000.00).

"Sec. 2. In order to meet said emergency, the County Auditor of said County is hereby authorized to enter upon the tax books of said County for collection in 1934, and for the general fund and in addition to that already levied in said fund for collection in 1934, an additional levy sufficient to raise approximately the sum of Ten Thousand Nine hundred Dollars (\$10,900.00)."

2. Insert in the title immediately following the word "the" in the first line of the printed title the following words to-wit: "board of supervisors to allow and the".

3. Insert in the title immediately following the word "offices" in line three (3) of the printed title, following the words, to-wit: "and for certain other unavoidable expenses of the County."

PAUL H. ANDERSON.

On motion of Senator Wilson the Senate adjourned until 10:00 a. m. Thursday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 21, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Ida B. Wise Smith, of Des Moines, President of the National Woman's Christian Temperance Union.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Knudson for the duration of his father's illness, on request of Senator Hicklin.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Opposing liquor control bill relative to Local Option. Senator Patterson from citizens of Dickinson county. Liquor control.

Favoring amendment to gross income tax bill exempting religious, charitable and educational institutions from taxation. Senator Topping from voters of Burlington. Tax revision and reorganization.

Opposing retail sales tax. President N. G. Kraschel from retail merchants of Cresco. Tax revision and reorganization.

Opposing bill regulating purchase of livestock. Senator Wenner from the Iowa Cooperative Live Stock Shippers. Emergency legislation.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me, as Secretary of the Senate, a proof of publication from The Humboldt Independent, Humboldt, Humboldt County, Iowa, relating to House File 84, a bill for an act to make permanent the transfers of county funds in Humboldt County.

BYRON G. ALLEN, *Secretary of the Senate.*

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution No. 4, relative to the adjournment of the Senate and House on December 22, 1933.

VIRGIL LEKIN, *Chief Clerk.*

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, House Files 23 and 166.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House Files 23 and 166.

By unanimous consent, on request of Senator Anderson, his amendment to Senate File 191, as found on page 450 of the Senate journal, was withdrawn and one filed December 20th was substituted in lieu thereof.

On motion of Senator Hush, the Senate resolved itself into a committee of the whole.

COMMITTEE OF THE WHOLE

Consideration of Senate amendments to Senate File 1 was resumed.

Senators Tripp, Hicklin, Stevens of Wapello, Nelson, Husted and Harrington offered the following amendment and moved its adoption:

Amend by striking all of sections 38 to 41 inclusive, renumbering the remaining sections and substituting the following in lieu of the stricken sections:

"Sec. 38. Definitions. For the purpose of this division, and unless otherwise required by the context:

1. The word "taxpayer" means and includes every person, individual, firm, co-partnership, association, corporation, society, congregation, and/or body of persons howsoever associated, or organized, and/or fiduciary, who derives or receives any income from any and all business done or transacted in the State of Iowa.

2. The word "person" applies only to individuals, and means and includes, for the purpose of determining liability to the tax imposed in this act, any person or individual domiciled in the State of Iowa, and any other individual who maintains a permanent place of abode within this state, or spends in the aggregate more than six months within the state, or maintains or occupies a permanent place of doing or transacting business in the State of Iowa.

3. The word "corporation" means and includes joint stock companies, limited partnerships, associations, societies, congregations, municipal corporations, or bodies of persons howsoever associated or organized.

4. The words "tax year" mean the calendar year.

5. The word "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person, whether individual or corporate, acting in any fiduciary capacity for any person, corporation, trust or estate.

6. The word "individual" or "person" means a natural person.

7. The word "dividend" means any distribution made by a corporation out of its earnings or profits to its shareholders or members, whether in cash or in other property or in stock of a corporation.

8. The phrase "doing business in Iowa" means and includes the rendering or performing of any manual, personal or professional labor or service of any kind or character, and/or the bartering, selling or exchanging of any tangible or intangible property, either individually, or by brokers, factors or commission merchants, and/or the keeping or maintaining of any office, store or other place of business within the State of Iowa, and/or the soliciting or taking of orders from consumers for articles, goods, wares, merchandise, or services, and/or the keeping or maintaining of a wholesale stock of goods, wares or merchandise within the State of Iowa, and/or the manufacturing or processing of any goods, wares or merchandise within the State of Iowa, and/or the making of any loans, or receiving of interest or dividends on loans or investments from persons, individuals, firms, partnerships, corporations, organizations or societies howsoever organized located in the State of Iowa, and/or the conducting or carrying on of any business or profession in the State of Iowa from which a gross income or revenue is derived.

9. The term "wholesale" shall include any person or corporation doing a regularly organized wholesale business known to the trade as such, selling only to registered retail merchants or jobbers, and also, persons engaged in acquiring and assembling by purchase from others, commodities of trade, commerce and production within the state, for the purpose of resale and selling and marketing or shipping the same in bulk; but such terms shall be applied only to such activities as are wholesale in their character as such term is ordinarily used and understood.

10. The term "manufacturer" shall mean persons or corporations engaging, or continuing, within the state in the business of manufacturing, compounding, processing, producing, or preparing for sale, profit or use, either as a finished product or partly finished product any commodity, the production of which is calculated for sale at wholesale or retail, or for future processing and manufacturing.

11. The term "gross income" means and includes cash receipts and proceeds, or its equivalent, received or derived from: (a) salaries, wages, or compensation for personal or professional services of every kind and character; and/or (b) professions, vocations, trades, business, commerce, sales or dealings in property, whether real or personal, tangible or intangible; and/or (c) interest, rent, dividends, or royalties; and/or (d) the transacting of any business, or income from any source whatsoever and in whatever form paid or received, except such items as are hereinafter specifically exempted therefrom.

12. The term "gross income" does not include the following items which shall not be included for taxation under this act:

The value of property acquired by gift, bequest, devise, or descent, but the income from such property shall be included for taxation under gross income. Interest and principal paid on obligations of the United States or its possessions, agencies, or instrumentalities, which are, or shall be, exempt from state taxation by federal law, or salaries of officials or employees thereof, which are or shall be exempt from state taxation by federal law. The proceeds of the sale by any corporation of its capital stock. The proceeds of the sale by any corporation of its bonds. The amount received by the taxpayer as a loan, or the repayment of the loan to the lender, or his assignees. Goods, wares or merchandise, or the value thereof, returned by customers refunded in cash, cash discounts allowed and taken on sales. All selective sales taxes now levied upon cigarettes, gasoline, or other property which are received or collected by the taxpayer for the State of Iowa or the United States Government, its departments or agencies.

"Sec. 39. Levy and Rates. From and after the first day of January, 1934, there is hereby annually levied upon every taxpayer within the meaning of this division of this act, located in or transacting business in the State of Iowa, a tax upon his or its privilege to do or transact business in the State of Iowa, computed at the rates hereinafter set forth and except as herein provided, to-wit:

(a) Upon every taxpayer transacting, engaging or continuing within this state in the business of manufacturing, mining, wholesaling, jobbing, farming, and livestock raising, processing, compounding or the preparation for sale, profit or use of any commodity, the tax to be in an amount equal to the value of the articles manufactured, mined, wholesaled, jobbed, produced, raised, processed, compounded or prepared for sale, as shown by the gross proceeds derived from the sale thereof by such manufacturer, wholesaler, jobber, miner, or farmer, except as hereinafter provided, multiplied by a rate of one-fourth of one per cent. The gross proceeds for the purposes of this paragraph shall be the value in the State of Iowa, before it enters interstate commerce, of the entire product at the time of

such transaction, manufactured, mined, wholesaled, jobbed, produced, processed, compounded or prepared for sale, profit or use, regardless of the place of sale, or the fact that deliveries may be made to points outside the state.

(b) Upon any taxpayer located in, or engaged or continuing in any occupation, trade, office, profession or calling, where the gross income is represented by a compensation in the form of a wage or salary, the tax to be in an amount equal to the gross income of such taxpayer from such source, multiplied by a rate of one-half of one per cent.

(c) Upon every taxpayer located in, engaged in, continuing in, or doing any business where the gross income is represented by compensation in the form of fees, commissions, interest, dividends, (including stock dividends), a tax to be in an amount equal to the gross income so received from such source, multiplied by one-fourth of one per cent.

(d) Upon every taxpayer engaging in, continuing in, or doing any business, the gross income from which is represented by rents, royalties and discounts, the tax shall be in an amount equal to the gross income received from such source, multiplied by three-fourths of one per cent.

(e) Upon every taxpayer engaged in, continuing in, or transacting an amusement business, including ball parks, skating rinks, pool halls, theatres, moving pictures, athletic exhibitions or matches, and all other similar transactions, the amount of such tax shall be a sum equal to the gross income received from such source, multiplied by one per cent.

(f) Upon any taxpayer engaging in or continuing in the business of transporting persons or things, for public hire as a common carrier, or in the business of transmitting messages or communications, for public hire as a common carrier, (including telephone and telegraph businesses), and in the business of public utilities, (including the furnishing of heat, power, light, gas, water, and the services in connection therewith), the tax shall be an amount equal to the gross income received from such source multiplied by one per cent.

(g) Upon every taxpayer engaging in, continuing in, or doing and transacting the business of selling goods at retail through stores, agents, solicitors, or otherwise, where such sale is intended as a sale to the ultimate consumer and is not intended for resale, a tax shall be computed by multiplying the gross income received or derived therefrom, by the following rates, to-wit:

1. On the first fifty thousand dollars (\$50,000.00) or fraction thereof, by one-half of one per cent.
2. On the second fifty thousand dollars (\$50,000.00) or any part thereof, by three-fourths of one per cent.
3. On the third fifty thousand dollars (\$50,000.00) or any part thereof, by one per cent.
4. On the fourth fifty thousand dollars (\$50,000.00) or any part thereof, by one and one-fourth per cent.
5. On the fifth fifty thousand dollars (\$50,000.00) or any part thereof, by one and one-half per cent.
6. On the sixth fifty thousand dollars (\$50,000.00) or any part thereof, by one and three-fourths per cent.

7. Upon any sum in excess of three hundred thousand dollars (\$300,000.00), by two per cent.

For the purposes of this section, every person, firm, corporation, association, partnership, or agency whatsoever, operating in whole or in part any store or stores in this state, for the purpose of selling at retail any tangible personal property to consumers or users thereof, shall be considered as a single unit for the collection of taxes under this act, and the rates as provided in this act shall be applied upon the entire volume of all sales made by any such retailer, through all retail establishments under the management or control of such retailer. The State Board shall provide for joint rates from the retailer in all cases where more than one retail agency or store is under the same general management, supervision, ownership or control.

(h) Upon every taxpayer doing, engaging in, or continuing any business, trade, profession or occupation within this state other than those included in the seven preceding subdivisions of this section, the amount of such tax shall be equal to the gross revenues and receipts from such sources, multiplied by a rate of one per cent.

"Sec. 40. If any taxpayer liable for any tax under sub-divisions a, b, c, d, e, f, g or h of Section 39, shall ship or transport his product, or any part thereof, out of the state, without making sale of such products, the value in the State of Iowa of such products or articles in the condition or form in which they existed when prepared for transportation out of this state, shall be deemed to be the amount of the gross receipts and income therefrom.

"Sec. 41. The Board shall prescribe equitable and uniform rules for the interpretation of the requirements of this division in the ascertainment of values and in the determination of the proper classification of taxpayers.

"Sec. 42. There are hereby exempted from the provisions of this subdivision the following:

(a) Insurance companies which, under Chapter 335, of the Code of Iowa, 1931, now pay to the State of Iowa, taxes upon gross premium income.

(b) Assessment Life Insurance Companies organized under Chapter 400 of the Code of 1931, and fraternal beneficiary societies, orders or associations as defined in Chapter 402 of the 1931 Code of Iowa, and amendments thereto, and all such corporations, societies, orders or associations lawfully doing business in this state.

(c) Charitable, benevolent, religious and educational institutions and labor organizations not conducted for pecuniary profit.

(d) Libraries, art galleries and cemeteries not conducted for pecuniary profit.

(e) Fraternal organizations not conducted for pecuniary profit.

(f) Persons or corporations engaged in the transportation of persons or goods as a motor carrier under the provisions of Chapter 252-a-1, Code of Iowa, 1931, which are now subject to the payment of a business privilege tax computed by a rate per ton mile.

(g) Co-operative organizations not conducted for the profit of such

organizations, where the entire gross income from its transactions, not used for the payment of its expenses, or reserved for contingent costs or losses or reserved to comply with statutory requirements for such organizations, accrues to its members on the basis of their patronage."

President pro tempore Harold L. Irwin was called to the chair at 10:35 a. m.

Senator Hush offered the following amendment to the amendment and moved its adoption:

Amend by striking Sub-section (a) of the proposed Section Thirty-nine (39).

On motion of Senator Shangle the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The committee of the whole reconvened, President pro tempore Harold L. Irwin presiding.

Senator Stanley asked an opinion of the President pro tempore whether, strictly under the rules, an amendment can be amended after it has been adopted.

The President pro tempore stated that though heretofore the chair has ruled that where amendments are made, it does not prevent further amendments, but in a case where the amendment amounts to a substitution for a certain section, as in Division IV of Senate File 1, the rule seems to be clear that if the substitution is made the paragraph or section cannot be further amended except by adding new or additional subject matter to the paragraph or section.

Therefore, unless some member of the Senate might cite a rule in contradiction of section 33, pages 142 and 143 of Robert's Rules of Order Revised, the chair ruled that if a substituted amendment is made the substituted and amended section will then be subject only to an amendment that would add something new to the section.

Senator Hush withdrew his amendment to the Tripp amendment, filed previous to recess, by unanimous consent.

Senator Hush offered the following amendment as a substitute for the pending Tripp amendment, and moved its adoption:

Amend by striking section thirty-nine (39) thereof, and by substituting the following in lieu thereof:

"Sec. 39. Tax Imposed.

1. There is hereby imposed, beginning the first day of January, 1934, a retail sales tax, at the rates hereinafter fixed, upon the gross receipts of all sales of tangible personal property, consisting of goods, wares, or merchandise, except as otherwise provided in this Division, sold at retail in the State of Iowa to consumers or users, which retail sales tax shall be levied, computed and collected as hereinafter provided, according to the following rates:

(a) Up to \$75,000 of annual gross retail sales, or any part thereof, one per cent (1%).

(b) From \$75,000 to \$150,000 of annual gross retail sales, or any part thereof, one and one half per cent (1½%).

(c) On all annual gross retail sales in excess of \$150,000 two per cent (2%).

2. For the purpose of this Act, every person, firm, corporation, association, partnership, or agency whatsoever, operating in whole or in part any store or stores in the state, for the purpose of selling at retail any tangible personal property consisting of goods, wares or merchandise, to consumers or users, shall be considered as a single unit for the collection of taxes under this Act, and the rates as provided in this Act shall be applied upon the entire volume of all sales made by any such retailer through all retail establishments under the management or control of such retailer. The State Board shall provide for joint returns from the retailer in all cases where more than one retail agency or store is under the same general management, supervision, ownership or control.

3. There is also hereby imposed a tax of two per cent (2%) upon the gross receipts from all sales of tickets or admissions to all places of amusement, recreation or entertainment for which an admission is charged, except as otherwise provided in this Division, which tax shall be effective on and after January 1, 1934.

Further amend by striking out from Section 40, sub-section b.

Also amend by adding after section 39 as Section 39-a the following:

"There is hereby imposed, beginning the first day of January, 1934, as a privilege tax for the right of doing business in the State of Iowa, a tax upon the gross income of the businesses herein enumerated as follows:

(a) Upon the gross income of all street railways one half of one per cent (½%).

(b) Upon the gross income of all telegraph, express, electric light and power companies one and one-fifth per cent (1 1/5%).

(c) Upon the gross income of all companies operating pipe lines carrying oil or gas two per cent (2%).

(d) Upon the gross income of all other public service companies or utilities, including railroads, gas, water, and heat, eighty hundredths per cent (80/100%).

(e) Upon the gross income of telephone companies a tax of one per cent (1%) on all gross income of \$75,000.00 or less per annum.

(f) Upon the gross income of telephone companies in excess of

\$75,000.00 up to \$250,000.00 a year, or any part thereof, two per cent (2%).

(g) Upon the gross income of telephone companies in excess of \$250,000.00 three per cent (3%).

"Every company subject to a tax as provided in this section shall make a report semi-annually to the Board on forms to be provided by the Board and the Board shall make such regulations as may be necessary for the collection of the tax imposed by this section."

President N. G. Kraschel returned to the chair at 2:25 p. m.

Senator Patterson moved the previous question on the question of the substitution, which motion prevailed.

Roll call was demanded.

On the question, "Shall the substitution be made?" the vote was:

Ayes, 13.

Beardsley	Elthon	Patterson	Roelofs
Byers	Hush	Pendray	Stanley
Calhoun	Leo	Ritchie	Valentine
Chrystal			

Nays, 29.

Anderson	Harrington	Meyer	Shangle
Baldwin	Hicklin	Miller of	Stevens of
Bennett	Hill	Buchanan	Wapello
Booth	Hopkins	Miller of Jones	Topping
Carden	Husted	Moore	Tripp
Doze	Irwin	Mullaney	Wenner
Fisch	Kimberly	Nelson	Wilson
Geske	Klemme	Reese	

Absent or not voting, 8.

Aschenbrenner	Frailey	McArthur	Stevens of
Beatty	Knudson	Schmidt	Decatur
Coykendall			

The substitution was lost.

Senator Patterson offered the following amendment to the pending Tripp amendment and moved its adoption:

Amend by striking from section 39, subsections (a), (b), (c), (d) and (h).

Senator Wilson moved that the committee of the whole arise.

The motion prevailed and the Senate resumed regular session.

The journal of December 20th was corrected and approved.

AMENDMENTS FILED

Amend Senate File 1, section 39, by inserting in line 2 after the “,” following the figures “1934” the following: “and ending June 30, 1935.”

G. W. PATTERSON,
W. R. RITCHIE,
GEO. M. HOPKINS,
GEO. A. WILSON,

R. V. LEO
WM. S. BEARDSLEY,
JOHN N. CALHOUN,
HOMER HUSH.

Amend Senate File 1, Division IV, by striking out all of Section 43 and renumbering the remaining sections.

Further amend Senate File 1, Division IV, Section 51, paragraph 2 by striking from lines sixteen (16), seventeen (17) and eighteen (18) the following: “or who shall violate the provisions of section forty-three of this act, and the officers of any corporation who shall so act,”.

L. T. SHANGLE.

Amend Section sixty-one (61) of Senate File 1, by adding thereto, at the end thereof, the following:

“Provided, however, that such comptroller shall not, under the provisions of this paragraph, draw any warrant to the county treasurer of any county of the State where either it or its several taxing sub-divisions have not complied with the provisions of Section 385-f1, as expressly provided in the following paragraph.

“3. That Chapter 24, Code of Iowa, 1931, be and the same is hereby amended by adding thereto, immediately following Section 385 thereof, and as Sec. 385-f1: In no event shall the total tax levy in dollars of any municipality be increased for any calendar year over the previous one by a greater percentage than the percentage increase in the assessed value of personalty and realty in such taxing subdivisions over the previous calendar year, except a tax levied for bond charges.”

ROY E. STEVENS,
FRED W. NELSON,
O. P. BENNETT.

On motion of Senator Wilson, the Senate adjourned until 10:00 a. m. Friday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 22, 1933.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. John A. Alexander, pastor of the St. Paul A. M. E. church of Des Moines.

LEAVE OF ABSENCE

By unanimous consent, on request of Senator Bennett, all absent Senators were excused for the day.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring gross income tax bill. Senator Bennett from voters of Little Sioux. Favoring amendment to gross income tax bill exempting religious, charitable and educational institutions from taxation. Senator Stevens of Wapello from citizens of Ottumwa. Tax revision and reorganization.

Favoring Senate File 155. Senator Bennett from livestock producers of Mapleton, Onawa, Turin, Ute and other Monona county communities. Opposing Senate File 155. Senator Shangle from farmers and business men of Mahaska county. Emergency legislation.

Opposing change in state prohibition laws. Senator Hicklin from citizens of Muscatine. Liquor control.

Favoring tax on chain stores. Senator Byers from citizens of Linn county. Tax revision and reorganization.

PROOFS OF PUBLICATION

I hereby certify that there has been filed with me, as Secretary of the Senate, a proof of publication from the Allison Tribune, Allison, Iowa, relating to House File 118, a bill for an act to make permanent the trans-

fers of county funds in Butler County to the poor fund from the maintenance fund.

Also: A proof of publication from the Wright County Monitor, Clarion, Iowa, relating to House File 125, a bill for an act to make permanent a temporary transfer of funds from the Road Maintenance Fund of Wright County, Iowa, to the Poor Fund of said county.

BYRON G. ALLEN, *Secretary of the Senate.*

Senator Hicklin moved that the Senate, instead of resolving itself into a committee of the whole, consider such other business as is before the Senate, with the understanding that it consider tax revision bills in committee of the whole on Wednesday morning, December 27th. The motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 83, a bill for an act to amend Chapter one hundred twenty-three (123), Acts of the Forty-fifth General Assembly, relative to levies to be made by any city or town for fire fund and fire department maintenance.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 112, a bill for an act relating to the treatment of indigent persons.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 125, a bill for an act to make permanent the transfer of funds in Wright County, Iowa.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 118, a bill for an act to make permanent the transfer of county funds in Butler County.

VIRGIL LEKIN, *Chief Clerk.*

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled Senate File 83.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate File 83.

BILLS SENT TO THE GOVERNOR

Senator Hush, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 22nd day of December, 1933, sent to the governor for his approval, Senate File 83.

HOMER HUSH, *Chairman.*

Passed on file.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Hicklin, Senate File 236, a bill for an act to amend section one (1), chapter eight (8), acts of the forty-fifth general assembly, relating to an examination of the financial transactions of school districts, a judiciary No. 2 committee bill, was taken up and considered.

The bill was read for information.

Senator Hicklin moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Aschenbrenner	Fisch	Leo	Ritchie
Baldwin	Harrington	Meyer	Schmidt
Bennett	Hicklin	Miller of	Shangle
Booth	Hill	Buchanan	Stanley
Byers	Hopkins	Miller of Jones	Stevens of
Calhoun	Hush	Moore	Decatur
Carden	Husted	Mullaney	Topping
Coykendall	Irwin	Patterson	Tripp
Doze	Kimberly	Pendray	Wenner
Elthon	Klemme	Reese	Wilson

Nays, none.

Absent or not voting, 12.

Anderson	Frailey	McArthur	Stevens of
Beardsley	Geske	Nelson	Wapello
Beatty	Knudson	Roelofs	Valentine
Chrystal			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hicklin moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Hicklin, Senate File 237, a bill for an act to repeal chapter seventy-five (75), acts of the forty-fifth general assembly, as the same appears in the enrolled bill, Senate File No. 146, and to enact a substitute therefor, relating to a license fee of one (1) cent per gallon on all motor vehicle fuel; and to enact a substitute therefor imposing a license fee of one (1) cent per gallon on all motor vehicle fuel used or otherwise disposed of within the state of Iowa, which shall be in addition to the license fee imposed by chapter two hundred fifty-one-A one (251-A1), code, 1931, and be for the purpose of providing funds to reimburse the counties of the state for expenditures made by them under the supervision of the highway commission for bridges, culverts and right-of-way on primary roads and paid for by the county out of the county road fund or the county bridge fund; and for the further purpose of providing additional revenue for the primary road fund, a judiciary No. 2 committee bill, was taken up and considered.

The bill was read for information.

Senator Hicklin moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 39.

Aschenbrenner	Hicklin	Meyer	Shangle
Bennett	Hill	Miller of Jones	Stanley
Booth	Hopkins	Moore	Stevens of
Byers	Hush	Mullaney	Decatur
Calhoun	Husted	Nelson	Stevens of
Carden	Irwin	Patterson	Wapello
Chrystal	Kimberly	Pendray	Topping
Coykendall	Klemme	Reese	Valentine
Doze	Leo	Ritchie	Wenner
Elthon	McArthur	Schmidt	Wilson
Fisch			

Nays, none.

Absent or not voting, 11.

Anderson	Frailey	Miller of	Roelofs
Baldwin	Geske	Buchanan	Tripp
Beardsley	Harrington		
Beatty	Knudson		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hicklin moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Bennett, House File 69, a bill for an act to amend Chapter one hundred thirty-seven (137), section one (1), Acts of the Forty-fifth General Assembly, relating to the location of depository banks, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Bennett moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Aschenbrenner	Harrington	McArthur	Stanley
Baldwin	Hicklin	Meyer	Stevens of
Bennett	Hill	Miller of	Decatur
Booth	Hopkins	Buchanan	Stevens of
Byers	Hush	Miller of Jones	Wapello
Carden	Husted	Mullaney	Topping
Coykendall	Irwin	Nelson	Tripp
Doze	Kimberly	Pendray	Wenner
Elthon	Klemme	Ritchie	Wilson
Fisch	Leo	Schmidt	

Nays, 1.

Shangle

Absent or not voting, 13.

Anderson	Chrystal	Knudson	Reese
Beardsley	Frailey	Moore	Roelofs
Beatty	Geske	Patterson	Valentine
Calhoun			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Bennett moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Meyer, House File 106, a bill for an Act to legalize the incorporation, including the notice of incorporation and the publication thereof, and corporate acts and proceedings relating to the incorporation of the

Heiberg Brewing Company, incorporated of Waverly, Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Meyer moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 39.

Aschenbrenner	Harrington	Miller of Jones	Stevens of
Baldwin	Hicklin	Moore	Decatur
Bennett	Hill	Mullaney	Stevens of
Booth	Hush	Nelson	Wapello
Byers	Irwin	Patterson	Topping
Calhoun	Kimberly	Pendray	Tripp
Carden	Klemme	Reese	Valentine
Chrystal	Leo	Schmidt	Wenner
Coykendall	Meyer	Shangle	Wilson
Doze	Miller of	Stanley	
Elthon	Buchanan		
Fisch			

Nays, 2.

Hopkins Husted

Absent or not voting, 9.

Anderson	Frailey	Knudson	Ritchie
Beardsley	Geske	McArthur	Roelofs
Beatty			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Meyer moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Leo, Senate File 238, a bill for an act making an appropriation in the sum of Nine Hundred Thirteen dollars and seventeen cents (\$913.17) for the payment of the necessary expenses of the special corporation commission authorized by the Forty-fourth General Assembly and continued by the Forty-fifth General Assembly of the State of Iowa, an appropriations committee bill, was taken up and considered. The bill was read for information.

Senator Leo moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Aschenbrenner	Harrington	Miller of	Stevens of
Bennett	Hicklin	Buchanan	Decatur
Booth	Hill	Miller of Jones	Stevens of
Byers	Hopkins	Mullaney	Wapello
Calhoun	Hush	Nelson	Topping
Carden	Husted	Patterson	Tripp
Chrystal	Irwin	Pendray	Valentine
Coykendall	Kimberly	Schmidt	Wenner
Doze	Klemme	Shangle	Wilson
Elthon	Leo	Stanley	
Fisch	Meyer		

Nays, none.

Absent or not voting, 12.

Anderson	Beatty	Knudson	Reese
Baldwin	Fralley	McArthur	Ritchie
Beardsley	Geske	Moore	Roelofs

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

Senator Leo moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Leo, Senate File 118, a bill for an act to make an appropriation for Ed. A. Schmidt, with report of appropriations committee recommending passage, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Aschenbrenner	Hicklin	Miller of	Shangle
Bennett	Hill	Buchanan	Stanley
Booth	Hopkins	Miller of Jones	Stevens of
Calhoun	Hush	Moore	Decatur
Carden	Husted	Mullaney	Stevens of
Chrystal	Irwin	Nelson	Wapello
Coykendall	Kimberly	Patterson	Topping
Doze	Klemme	Pendray	Tripp
Elthon	Leo	Reese	Wenner
Fisch	McArthur	Ritchie	Wilson
Harrington	Meyer	Schmidt	

Nays, none.

Absent or not voting, 10.

Anderson	Beatty	Geske	Roelofs
Baldwin	Byers	Knudson	Valentine
Beardsley	Frailey		

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

Senator Leo moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Leo, Senate File 149, a bill for an act to make an appropriation to Robert A. Turpin, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 41.

Anderson	Fisch	McArthur	Shangle
Aschenbrenner	Harrington	Meyer	Stanley
Bennett	Hicklin	Miller of	Stevens of
Booth	Hill	Buchanan	Decatur
Byers	Hopkins	Miller of Jones	Stevens of
Calhoun	Hush	Moore	Wapello
Carden	Husted	Mullaney	Topping
Chrystal	Irwin	Patterson	Tripp
Coykendall	Kimberly	Pendray	Valentine
Doze	Klemme	Reese	Wenner
Elthon	Leo	Ritchie	Wilson

Nays, none.

Absent or not voting, 9.

Baldwin	Frailey	Knudson	Roelofs
Beardsley	Geske	Nelson	Schmidt
Beatty			

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

Senator Leo moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

CONSIDERATION OF RESOLUTIONS

By unanimous consent, on request of Senator Valentine, the order of business was returned to introduction of resolutions.

SENATE CONCURRENT RESOLUTION 7

Whereas House Concurrent Resolution No. 5 provided for the printing by the Interim Committee of the report of the Brookings Institution for distribution to the members of the 45th General Assembly in Extraordinary Session and for sale to the citizens of the State of Iowa; and

Whereas it is deemed advisable to send copies of such report to the Political Science Department and/or library of each of the recognized colleges and universities in the State of Iowa; now therefore

Be It Resolved by the Senate, the House concurring, That said Interim Committee be and they are hereby authorized to print 300 additional copies of said report, said copies to be distributed without expense to said educational institutions above specified.

Be it further resolved that said Interim Committee pay for the printing of said additional copies out of funds now in its hands.

JOHN K. VALENTINE.

By unanimous consent, on request of Senator Valentine, the rules were suspended and the resolution taken up and considered.

Senator Valentine offered the following amendments to the resolution and moved their adoption:

Amend by inserting after the semi-colon in line 9 thereof the following:

"and to each of the free public libraries, both tax supported and active non-tax supported, in the State of Iowa;"

Also amend by striking the figures "300" in line 12 and inserting in lieu thereof the figures "600".

Also amend by inserting after the word "institutions" in line 14 the words "and libraries".

The amendments were adopted.

The resolution as amended was adopted.

By unanimous consent, on request of Senator Nelson, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File 239, by committee on county and township affairs, a bill for an act to amend the provisions of chapter two hundred eighty-two (282) of the 1931 Code of Iowa, relating to limitation of the boundaries of a benefited water district, creating

a board of trustees to supervise and manage such district, and by changing the method of taxing property for establishing and maintaining said district.

Read first and second times and placed on the calendar.

HOUSE MESSAGES CONSIDERED

House File 112, a bill for an act to amend chapter one hundred ninety-nine (199), Code, 1931, by inserting after section four thousand eighteen (4018) a new section; to amend sections four thousand twenty-five (4025), four thousand twenty-six (4026) and four thousand twenty-eight (4028), Code, 1931; and to repeal sections four thousand ten (4010), four thousand twelve (4012), four thousand sixteen (4016), four thousand seventeen (4017), and four thousand twenty-one (4021), Code, 1931, and to enact substitutes therefor, all relating to the treatment of indigent persons.

Read first and second times and referred to committee on public health.

House File 125, a bill for an act to make permanent a temporary transfer of funds, made June 5, 1933, by authority of the Director of the Budget, of fifty thousand and no/100 dollars (\$50,000.00) from the Road Maintenance Fund of Wright County, Iowa, to the Poor Fund of said county.

Read first and second times and referred to committee on judiciary No. 2.

House File 118, a bill for an act to make permanent the transfers of county funds in Butler County to the poor fund from the maintenance fund, where said transfers were originally made with the approval of the Director of the Budget.

Read first and second times and referred to committee on judiciary No. 2.

The Journal of December 21st was corrected and approved.

REPORTS OF COMMITTEES

Senator Nelson submitted the following reports:

MR. PRESIDENT: Your committee on county and township affairs, to which was referred Senate File 171, a bill for an act to repeal Chapter One Hundred Forty-nine (149), Acts of the Forty-third General Assembly

of Iowa, relating to contracts for the support of the poor, and to authorize the board of supervisors to contract for professional services for poor persons, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

FRED W. NELSON, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on county and township affairs, to which was referred House File 74, a bill for an act to amend section one (1), Chapter seventy-three (73), Acts of the Forty-fifth (45th) General Assembly, relating to the payment of road poll tax, begs leave to report it has had the same under consideration and recommends the same do pass.

FRED W. NELSON, *Chairman*.

Ordered passed on file.

Senator Anderson submitted the following report:

MR. PRESIDENT: Your committee on departmental affairs, to which was referred Senate File 136, a bill for an act relating to compensation and mileage of members of the General Assembly, and to the payment of the same, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

Amend Section 1 by striking from line seven (7) the words and figures "twelve dollars and fifty cents (\$12.50)" and inserting in lieu thereof the words and figures "ten dollars (\$10.00)".

PAUL H. ANDERSON, *Chairman*.

Ordered passed on file.

AMENDMENTS FILED

Amend Senate File 110, Section 2, by inserting after the word "and" in line seventeen (17) the word "approximate".

Also amend Section 3 by inserting after the word "and" in line four (4) the word "approximate".

FRANK I. COYKENDALL.

Amend Senate File 186 as follows:

1. Amend Section 2 by striking all of Subsection (d) thereof and inserting in lieu thereof the following: "The term 'Motor Vehicle Fuel' shall mean any petroleum product and/or benzene and/or benzene product, either alone or in combination with any petroleum product and/or other substance, which has a flash point of less than 100 degrees Fahrenheit when tested in the Tagliabue closed cup, or has by the American Society for Testing Materials Methods for the distillation of petroleum products an initial boiling point of under 300 degrees Fahrenheit or a 90 per cent recovery temperature of under 490 degrees Fahrenheit including, but not limited to, gasoline, naphtha, benzine, casinghead or natural gasoline and benzol.

"Provided further that any product, either alone or when mixed, blended or compounded with any one or more products of petroleum and

not within the above definition of 'Motor Vehicle Fuel', shall be deemed to be a 'Motor Vehicle Fuel' if sold or used to propel motor vehicles upon the highways."

2. Amend Section 5 by striking from line 21 thereof the words "twenty-five dollars" and inserting in lieu thereof the words "one dollar".

3. Amend Section 7 by striking all of said section and inserting in lieu thereof the following:

"Before any distributor shall engage in business as defined in this Act, he shall first file with the Treasurer a statement showing financial responsibility or a personal or corporate surety bond payable to the State of Iowa in the penal sum of one thousand dollars (\$1,000.00), conditioned that said distributor will pay to the State of Iowa, any and all fees required by this Act. Said bond or financial statement shall be approved by the Treasurer. No license shall be issued unless the bond or financial statement, required herein, is attached to and delivered to the Treasurer with the application for said license. If any distributor now engaged in business fails to file the bond or financial statement required by this Act, within thirty (30) days after the effective date thereof, his license shall be revoked."

4. Amend Section 19 by striking the entire section and substituting in lieu thereof the following:

"The Treasurer is hereby authorized in regulations promulgated and published by him to fix tests and specifications, by endpoints, flash points or otherwise for products which may be sold as gasoline, kerosene, distillate, fuel oil, or tractor fuel, and to change and modify such tests and specifications from time to time as conditions and his judgment may require; except that no kerosene, distillate, fuel oil or tractor fuel shall be sold tax free, in which the initial boiling point is less than 300 degrees Fahrenheit, or in which 90 per cent is recovered by distillation at less than 490 degrees Fahrenheit."

5. Amend Section 30 by striking that portion beginning with line 34 and ending with the word "however" in line 51 thereof and inserting the words "It is further provided" immediately preceding the word "that" in line 51.

6. Amend by striking all of Section 16.

HOMER HUSH.

Amend Senate File One (1) by striking Section sixty-two (62) and inserting in lieu thereof the following:

"Sec. 62. Ratio and manner of distribution."

1. The revenue distributable under paragraph two (2) of section sixty (60) of this act shall be allocated to the several counties of the state in the same proportion that the total amount of general taxes levied and spread on the books on the taxable real and tangible personal property in that county bears to the total general taxes levied and spread on the books on the taxable real and tangible personal property in the state.

2. On August 1, 1934, and annually thereafter the board shall certify to the county treasurer of each county in the state the total amount of the money which has been apportioned and/or is then apportionable to that county.

3. The county treasurer shall then apply the amounts so apportioned to the relief of the several property taxpayers of that county by entering a credit against the second installment of the general tax of such taxpayer, the amount of such credit to be determined by the proportion which such taxpayer's total general taxes levied and spread on the books on taxable real and tangible personal property bears to the total general taxes levied and spread on the books on the taxable real and tangible personal property in that county. The amount of money so credited shall be distributed from said funds in the hands of the County Treasurer in the same manner as though said amounts had been paid by the taxpayer. In the event that such property taxpayer has paid his taxes in full prior to date of credit application, the county treasurer shall nevertheless enter the aforesaid credit which shall entitle such taxpayer to refund thereof.

CLYDE H. TOPPING.

EDW. J. WENNER.

CHRIS REESE.

D. MYRON TRIPP.

VINCENT F. HARRINGTON.

H. C. BALDWIN.

GEO. A. WILSON.

FRANK C. BYERS.

ROY E. STEVENS.

On motion of Senator Wilson the Senate adjourned, the time for reconvening having been previously set, by resolution, for Wednesday, December 27th at 10:00 a. m.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 27, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. W. L. Ewing, pastor of the Grace M. E. church of Des Moines.

LEAVE OF ABSENCE

By unanimous consent, on request of Senator Topping, all absent Senators were excused for the day.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Opposing action on liquor control during the present session. Senator Pendray from voters of Preston. Liquor control.

Favoring tax on chain stores. Senator Miller of Buchanan from business men of Buchanan and Delaware counties. Tax revision and reorganization.

Favoring gross income tax bill. Senator Doze from Board of Supervisors of Lucas county; Senator Elthon from taxpayers of Northwood; Senator Stanley from voters of Taylor county. Tax revision and reorganization.

Favoring passage of old age pension bill. Senator Harrington from committee of the United Workers of America, Sioux City. Judiciary No. 2.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me, as Secretary of the Senate, a proof of publication from Lake View Resort, Lake View, Iowa and The Sac Sun, Sac City, Iowa, relating to Senate File 234 a bill for an act to authorize and provide for the issuance of town hall bonds and to make provisions for the levy of taxes to pay said bonds.

BYRON G. ALLEN, *Secretary of the Senate.*

Senator Stevens of Decatur moved that the Senate recess until the fall of the gavel.

The motion prevailed.

The Senate met at the sound of the gavel.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution No. 7, relative to the distribution of copies of the Brookings report to colleges and universities of the state and to the free public libraries.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 291, a bill for an act relating to carrying forward delinquent real estate tax.

VIRGIL LEKIN, *Chief Clerk.*

Due to the absence of authors of amendments to Senate File 1, the Senate resumed consideration of non-controversial bills on the calendar.

HOUSE FILE 17 RESUMED

Senator Stanley moved that the Senate refuse to recede from its amendment to House File 17, adopted December 7th, as shown on page 286 of the Senate journal.

On the question, "Shall the Senate recede?" the vote was:

Ayes, none.

Nays, 33:

Aschenbrenner	Hill	Miller of	Ritchie
Baldwin	Hopkins	Buchanan	Schmidt
Beardsley	Hush	Miller of Jones	Stanley
Booth	Husted	Moore	Stevens of
Byers	Kimberly	Mullaney	Decatur
Calhoun	Klemme	Nelson	Topping
Doze	McArthur	Patterson	Tripp
Fisch	Meyer	Pendray	Valentine
Harrington		Reese	Wilson

Absent or not voting, 17.

Anderson	Coykendall	Irwin	Shangle
Beatty	Elthon	Knudson	Stevens of
Bennett	Frailey	Leo	Wapello
Carden	Geske	Roelofs	Wenner
Chrystal	Hicklin		

The Senate refused to recede from its amendment.

CONFERENCE COMMITTEE ON HOUSE FILE 17

The President appointed as the Senate members of the conference committee on House File 17, Senators Stanley, Tripp, Calhoun and Booth.

THIRD READING OF BILLS

By unanimous consent, on request of Senator Ritchie, House File 84 was withdrawn from the committee on judiciary No. 2 and placed on the calendar.

By unanimous consent, on motion of Senator Ritchie, House File 84, a bill for an act to make permanent the transfers of County Funds in Humboldt County to the Poor Fund from the Bovine Tubercular Eradication Fund, where said transfers were originally made with the approval of the Director of the Budget, June 25, 1932, and November 19, 1932, was taken up and considered.

Senator Beardsley moved the previous question, which motion prevailed.

The bill was read for information.

Senator Ritchie moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 31.

Aschenbrenner	Harrington	Meyer	Reese
Baldwin	Hill	Miller of	Ritchie
Beardsley	Hopkins	Buchanan	Schmidt
Booth	Hush	Miller of Jones	Stevens of
Byers	Husted	Mullaney	Decatur
Calhoun	Kimberly	Nelson	Topping
Doze	Klemme	Patterson	Valentine
Elthon	McArthur	Pendray	Wilson
Fisch			

Nays, 3.

Moore	Stanley	Tripp
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Absent or not voting, 16.

Anderson	Coykendall	Irwin	Shangle
Beatty	Frailey	Knudson	Stevens of
Bennett	Geske	Leo	Wapello
Carden	Hicklin	Roelofs	Wenner
Chrystal			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Ritchie moved that the vote by which the bill passed

the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Hopkins, House File 141, a bill for an act to make permanent the transfer of funds in Washington Consolidated Independent School District, Dallas County, Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 34.

Aschenbrenner	Harrington	Meyer	Reese
Baldwin	Hill	Miller of	Ritchie
Beardsley	Hopkins	Buchanan	Schmidt
Booth	Hush	Miller of Jones	Stevens of
Byers	Husted	Moore	Decatur
Calhoun	Kimberly	Mullaney	Topping
Doze	Klemme	Nelson	Valentine
Elthon	Leo	Patterson	Wenner
Fisch	McArthur	Pendray	Wilson

Nays, 2.

Stanley Tripp

Absent or not voting, 14.

Anderson	Chrystal	Hicklin	Shangle
Beatty	Coykendall	Irwin	Stevens of
Bennett	Frailey	Knudson	Wapello
Carden	Geske	Roelofs	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hopkins moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Patterson House File 28, a bill for an act authorizing the Executive Council of the State of Iowa to sell certain tracts, parcels, or pieces of land when the fee title thereto has been acquired by the State of Iowa, in or for the improvement of its primary highways, and to prescribe the procedure in pursuance of which such sales may be made, with report of committee recommending amendment and

passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

The following committee amendments were considered:

Amend by inserting as Sec. 2 the following:

"Sec. 2. Notice of intention to sell such tracts, parcels, pieces of land or part thereof, must, not less than ten (10) days prior to sale thereof, be sent by registered mail by the Highway Commission to the last known address of the present owner of adjacent land from which said tract, parcels, pieces of land or parts thereof were originally bought for highway improvement purposes.

"Said notice shall give opportunity to the present owner of adjacent property to be heard and to make offers for the parts, parcels or parts thereof to be sold, and if such offer is equal to or exceeds in amount other offers, it shall be given preference by the highway commission and executive council.

"Neglect or failure for any reason of the owner to comply with the provisions of said notice shall in no way prevent the giving of a clear title to the purchaser of such tracts, parcels, pieces of land or parts thereof."

Further amend by renumbering Sec. 2 as Sec. 3.

By unanimous consent, on request of Senator Nelson the amendment was amended by inserting after the word "bought" in line 6 the words "or condemned"; also by striking the last line thereof and inserting the following: "Further amend by renumbering the remaining sections."

The committee amendments as amended were adopted.

Senator Patterson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 35.

Anderson	Harrington	Miller of	Ritchie
Aschenbrenner	Hill	Buchanan	Schmidt
Baldwin	Hopkins	Miller of Jones	Stanley
Beardsley	Husted	Moore	Stevens of
Booth	Irwin	Mullaney	Decatur
Byers	Kimberly	Nelson	Topping
Calhoun	Klemme	Patterson	Tripp
Doze	McArthur	Pendray	Wenner
Elthon	Meyer	Reese	Wilson
Fisch			

Nays, none.

Absent or not voting, 15.

Beatty	Coykendall	Hush	Shangle
Bennett	Frailey	Knudson	Stevens of
Carden	Geske	Leo	Wapello
Chrystal	Hicklin	Roelofs	Valentine

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Patterson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

CONSIDERATION OF HOUSE FILE 21 RESUMED

Senator Wilson called up for consideration House File 21, amended by the Senate, as found on page 274 of the Senate journal, and moved that the Senate recede from the amendment.

Senator Hush was called to the chair at 11:19 a. m.

On the question, "Shall the Senate recede?" the vote was:

Ayes, none.

Nays, 35.

Anderson	Fisch	Meyer	Reese
Aschenbrenner	Harrington	Miller of	Ritchie
Baldwin	Hill	Buchanan	Schmidt
Beardsley	Hopkins	Miller of Jones	Stanley
Booth	Husted	Moore	Topping
Byers	Kimberly	Mullaney	Tripp
Calhoun	Klemme	Nelson	Valentine
Doze	Leo	Patterson	Wenner
Elthon	McArthur	Pendray	Wilson

Absent or not voting, 15.

Beatty	Frailey	Irwin	Stevens of
Bennett	Geske	Knudson	Decatur
Carden	Hicklin	Roelofs	Stevens of
Chrystal	Hush	Shangle	Wapello
Coykendall			

The Senate refused to recede from its amendment.

By unanimous consent, on motion of Senator Klemme Senate File 228, a bill for an act to make permanent the transfer, in Winneshiek County, Iowa, of certain funds in the secondary road construction fund, and of certain funds in the court expense fund, to the poor fund, a county and township affairs committee bill, was taken up and considered.

The bill was read for information.

Senator Klemme moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 30.

Anderson	Carden	Leo	Pendray
Aschenbrenner	Doze	Meyer	Reese
Baldwin	Fisch	Miller of	Schmidt
Beardsley	Harrington	Buchanan	Stevens of
Beatty	Hopkins	Miller of Jones	Decatur
Booth	Husted	Moore	Topping
Byers	Kimberly	Mullaney	Valentine
Calhoun	Klemme	Patterson	Wilson

Nays, 7.

Elthon	Nelson	Stanley	Wenner
Hush	Ritchie	Tripp	

Absent or not voting, 13.

Bennett	Geske	Knudson	Shangle
Chrystal	Hicklin	McArthur	Stevens of
Coykendall	Hill	Roelofs	Wapello
Frailey	Irwin		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Klemme moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

HOUSE FILE 56 ON THE CALENDAR

Senator Fisch, under rule 35, called House File 56 from the committee on ways and means and placed it on the calendar.

CONFERENCE COMMITTEE ON HOUSE FILE 21

Senator Hush, acting President, announced that the President had appointed as conference committee on House File 21, on the part of the Senate, Senators Calhoun, McArthur, Carden and Doze.

By unanimous consent on request of Senator Calhoun, the order of business returned to House Messages.

HOUSE MESSAGE CONSIDERED

House File 291, a bill for an act to amend section seventy-one

hundred ninety-three (7193) of the Code of 1931 relative to carrying forward delinquent real estate tax.

Read first and second times.

THIRD READING OF BILLS

By unanimous consent, on request of Senator Calhoun, the rules were suspended under which no bill may be read a second and third times on the same legislative day.

On motion of Senator Calhoun House File 291, a bill for an act to amend section seventy-one hundred ninety-three (7193) of the Code of 1931 relative to carrying forward delinquent real estate tax, was taken up and considered.

The bill was read for information.

Senator Stanley moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Anderson	Elthon	McArthur	Reese
Aschenbrenner	Fisch	Meyer	Ritchie
Baldwin	Harrington	Miller of	Schmidt
Beardsley	Hill	Buchanan	Stanley
Beatty	Hopkins	Miller of Jones	Topping
Booth	Hush	Moore	Tripp
Byers	Husted	Mullaney	Valentine
Calhoun	Kimberly	Nelson	Wenner
Carden	Klemme	Patterson	Wilson
Doze	Leo	Pendray	

Nays, none.

Absent or not voting, 12.

Bennett	Geske	Knudson	Stevens of
Chrystal	Hicklin	Roelofs	Decatur
Coykendall	Irwin	Shangle	Stevens of
Frailey			Wapello

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Calhoun moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 221, a bill for an act relating to surrendering license plates on motor vehicles.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENTS TO SENATE FILE 221

Amend Senate File 221 by striking from line two (2) of section one (1) the word "enacted" and substituting the word "amended".

Also, amend Senate File 221 by inserting after the word and numeral one (1) in line four (4) the following: "and from line five (5) of section two (2)".

Correct the title by striking the word "enacted" in line two (2) and substituting the word "amended".

HOUSE AMENDMENTS CONSIDERED

By unanimous consent, on request of Senator Byers, the rules were suspended, and Senate File 221, as amended by the House, was taken up and considered.

Senator Byers moved that the Senate concur in the following amendments:

Amend by striking from line two (2) of section one (1) the word "enacted" and substituting the word "amended".

Also, amend by inserting after the word and numeral one (1) in line four (4) the following: "and from line five (5) of section two (2)".

Correct the title by striking the word "enacted" in line two (2) and substituting the word "amended".

On the question "Shall the Senate concur?" the vote was:

Ayes, 35.

Anderson	Hopkins	Miller of Jones	Stanley
Aschenbrenner	Hush	Moore	Stevens of
Booth	Husted	Mullaney	Decatur
Byers	Kimberly	Nelson	Topping
Carden	Klemme	Patterson	Tripp
Coykendall	Leo	Pendray	Valentine
Doze	McArthur	Reese	Wenner
Fisch	Meyer	Ritchie	Wilson
Harrington	Miller of	Schmidt	
Hill	Buchanan		

Nays, none.

Absent or not voting, 15.

Baldwin	Calhoun	Geske	Roelofs
Beardsley	Chrystal	Hicklin	Shangle
Beatty	Elthon	Irwin	Stevens of
Bennett	Frailey	Knudson	Wapello

The House amendments having received a constitutional majority were declared to have been adopted and concurred in by the Senate.

On motion of Senator Beardsley, the Senate recessed until the fall of the gavel.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel, President N. G. Kraschel presiding.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled Senate File 221, House Files 69, 106 and 291.

HOMER HUSH, *Chairman Senate Committee*,
WM. KOCH, *Chairman House Committee*.

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The president of the senate announced that, as president of the Senate, he had signed in the presence of the Senate, Senate File 221, House Files 69, 106 and 291.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 27th day of December, 1933, sent to the governor for his approval. Senate File No. 221.

HOMER HUSH, *Chairman*.

Passed on file.

By unanimous consent, on request of Senator Ritchie, Senate File 235 was withdrawn from the committee on appropriations and placed on the calendar.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Ritchie Senate File 235, a bill for an act to make an emergency appropriation to the state department of agriculture for the purpose of defraying the necessary expenses now being incurred and imposed upon said department by the provisions of chapter four hundred twenty-seven (427), code, 1931, the unbonded agricultural warehouse act, an agriculture committee bill, was taken up and considered.

The bill was read for information.

Senator Ritchie moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was :

Ayes, 31.

Anderson	Elthon	Leo	Ritchie
Aschenbrenner	Fisch	Meyer	Stanley
Beardsley	Hill	Miller of	Stevens of
Beatty	Hopkins	Buchanan	Decatur
Booth	Hush	Miller of Jones	Topping
Byers	Husted	Mullaney	Tripp
Calhoun	Klemme	Nelson	Wenner
Carden	Knudson	Pendray	Wilson
Coykendall			

Nays, none.

Absent or not voting, 19.

Baldwin	Geske	McArthur	Schmidt
Bennett	Harrington	Moore	Shangle
Chrystal	Hicklin	Patterson	Stevens of
Doze	Irwin	Reese	Wapello
Frailey	Kimberly	Roelofs	Valentine

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Ritchie moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

The journal of December 22nd was corrected and approved.

On motion of Senator Carden the Senate adjourned until 10:00 a. m. Thursday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 28, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Clarence W. Moore, pastor of the M. E. Church of New Virginia.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Bennett for the balance of the day, on account of illness of his father, on request of Senator Booth. By unanimous consent, on request of Senator Topping, all absent Senators were excused for the day.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Opposing Senate File 98 relative to public employment of married women. Senator Carden from Business and Professional Women's clubs of Shenandoah and Fort Madison. Labor.

Opposing change in state prohibition laws. Senator Shangle from Mahaska County Ministerial Association; Senator Tripp from citizens of Newton and Kellogg. Liquor control.

Favoring sale of liquor by drug stores. Senator Wenner from Independent Retail Druggist Association, Waterloo. Liquor control.

Favoring gross income tax to replace property tax. Senator Wenner from Independent Retail Druggist Association, Waterloo. Tax revision and reorganization.

Endorsing first three paragraphs of majority report of indigent patients. Senator Wenner from Black Hawk County Medical Society, Waterloo. Public health.

Favoring House File 78, deficiency judgment bill. Senator

Wilson from citizens of Valley Junction and Polk City. Emergency legislation.

Favoring farm bureau tax bill. Senator Wilson from citizens of Valley Junction and Polk City. Tax revision and reorganization.

SENATE FILE 186 REREFERRED

By unanimous consent, on request of Senator Harrington, Senate File 186 was rereferred to committee on motor vehicles for the purpose of a public hearing.

SPECIAL INVESTIGATING COMMITTEE

Senator Wilson moved that a committee of three be appointed by the President to investigate the source of inquiry made of political affiliation of employees of the Senate, and that a report be made to the Senate; also that the record being obtained by the page be withheld by the committee.

The motion prevailed.

The President appointed on such committee, Senators Byers, Irwin and Kimberly.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 28, a bill for an act authorizing the executive council of the state of Iowa to sell certain tracts of land when the same have been acquired by the state for the improvement of its primary highways.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 226, a bill for an act to enable the state of Iowa to secure the benefit of funds allotted to this state by the Federal Government for street and highway work.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 122, a bill for an act to legalize the action of the town council of the town of Guttenberg, Iowa, appropriating and using certain moneys from the Electric Light Fund of said town for the relief of unemployment in said town.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 97, a bill for an act relative to the condemnation of intoxicating liquors.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 19, a bill for an act relating to sewer fund permitting the use of the sewer fund for the construction, reconstruction, and repair of sewage disposal plant.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 165, a bill for an act relating to the levying of a poor tax for the support of the poor.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 94, a bill for an act relating to the compensation of employees in the motor vehicle fuel tax division of the office of the Treasurer of State.

Also: That the House has appointed on the conference committee for House File No. 21, a bill for an act relating to the computation of tax rates, the following: Representatives Moore of Benton, Foster, Speidel and Goode.

Also: That the House has appointed on the conference committee for House File No. 17, a bill for an act relating to the lien of poll taxes and of taxes on personal property, the following: Representatives Brady, Johnson, Cunningham and Bonnsetter.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 20, a bill for an act relating to sewer bonds and indebtedness by including sewer outlets and/or purifying plants.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENT TO SENATE FILE 20

Amend Senate File 20 by striking the period after the word "Iowa" in the last line of section 4, and adding the following: ", without cost to the State of Iowa."

Due to the absence of authors of amendments to Senate File 1, the Senate resumed consideration of non-controversial bills on the calendar.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Tripp, Senate File 21, a bill for an act to repeal all of Sections Fifty One Hundred Sixty Nine-a1 (5169-a1), Fifty One Hundred Sixty-Nine-a2 (5169-a2), Fifty One Hundred Sixty Nine-a3 (5169-a3), Fifty One Hundred Sixty Nine-a4 (5169-a4), Fifty One Hundred Sixty Nine-a5 (5169-a5), Fifty One Hundred Sixty Nine-a6 (5169-a6), Fifty One Hundred Sixty-Nine-a7 (5169-a7), Fifty One Hundred

Sixty Nine-a8 (5169-a8), Fifty One Hundred Sixty Nine-a9 (5169-a9), and Fifty One Hundred Sixty Nine-a10 (5169-a10), of the 1931 Code of Iowa, together with any and all acts amendatory thereto, relating to losses of the County Treasurer, with report of committee on county and township affairs, without recommendation, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

President pro tempore Harold L. Irwin was called to the chair at 10:56 a. m.

Senator Hush offered the following amendment and moved its adoption:

Amend section 1, line 10 by inserting after the word "losses" the words "of funds in the legal custody".

The amendment was adopted.

Senator Tripp moved that the reading just had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 17.

Byers	Irwin	Pendray	Topping
Calhoun	McArthur	Schmidt	Valentine
Carden	Miller of Jones	Stanley	Wenner
Harrington	Mullaney	Stevens of	Wilson
Hush		Wapello	

Nays, 24.

Anderson	Hill	Meyer	Reese
Baldwin	Hopkins	Miller of	Ritchie
Beardsley	Husted	Buchanan	Shangle
Booth	Kimberly	Moore	Stevens of
Coykendall	Klemme	Nelson	Decatur
Doze	Knudson	Patterson	Tripp
Elthon	Leo		

Absent or not voting, 9.

Aschenbrenner	Chrystal	Frailey	Hicklin
Beatty	Fisch	Geske	Roelofs
Bennett			

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

HOUSE AMENDMENTS CONSIDERED

By unanimous consent, on request of Senator Tripp, the rules were suspended and House amendments to Senate File 20 were taken up and considered.

Senator Tripp moved that the Senate concur in the following amendments:

Amend by striking the period after the word "Iowa" in the last line of section 4, and adding the following: ", without cost to the State of Iowa."

On the question "Shall the Senate concur?" the vote was:

Ayes, 39.

Anderson	Hopkins	Miller of	Stanley
Beardsley	Hush	Buchanan	Stevens of
Booth	Husted	Miller of Jones	Decatur
Byers	Irwin	Moore	Stevens of
Calhoun	Kimberly	Mullaney	Wapello
Carden	Klemme	Patterson	Topping
Coykendall	Knudson	Pendray	Tripp
Doze	Leo	Reese	Valentine
Elthon	McArthur	Ritchie	Wenner
Harrington	Meyer	Schmidt	Wilson
Hill		Shangle	

Nays, none.

Absent or not voting, 11.

Aschenbrenner	Bennett	Frailey	Nelson
Baldwin	Chrystal	Geske	Roelofs
Beatty	Fisch	Hicklin	

The House amendment having received a constitutional majority was declared to have been adopted and concurred in by the Senate.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Miller of Buchanan Senate File 88, a bill for an act to make permanent the transfer of funds from the secondary road fund of Buchanan county to the poor fund of said county, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Miller of Buchanan moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

By unanimous consent, on request of Senator Miller of Buchanan, the rules were suspended and the bill amended by in-

serting after the word "road" in the title and in lines 4 and 6 of section 1 the word "construction".

On the question "Shall the bill pass?" the vote was:

Ayes, 29.

Anderson	Hopkins	Miller of Jones	Schmidt
Booth	Irwin	Moore	Stevens of
Byers	Kimberly	Mullaney	Decatur
Carden	Klemme	Nelson	Stevens of
Doze	Leo	Patterson	Wapello
Fisch	Meyer	Pendray	Topping
Harrington	Miller of	Reese	Valentine
Hill	Buchanan	Ritchie	Wilson

Nays, 9.

Beardsley	Hush	Shangle	Trip
Calhoun	Husted	Stanley	Wenner
Coykendall			

Absent or not voting, 12.

Aschenbrenner	Bennett	Frailey	Knudson
Baldwin	Chrystal	Geske	McArthur
Beatty	Elthon	Hicklin	Roelofs

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Miller of Buchanan moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Patterson, the order of business was returned to House messages.

HOUSE MESSAGES CONSIDERED

House File No. 165, a bill for an act to amend section fifty-three hundred thirty-seven (5337), Code, 1931, as amended by Chapter one hundred twenty-one (121), section twenty-eight (28), Acts of the Forty-fifth General Assembly, relating to the levying of a poor tax for the support of the poor.

Read first and second times.

House File No. 94, a bill for an act to amend section fifty-one (51) of Chapter one hundred eighty-eight (188) of the laws of the Forty-fifth General Assembly, relating to the compensation of employees in the motor vehicle fuel tax division of the office of the Treasurer of State.

Read first and second times and referred to committee on departmental affairs.

By unanimous consent, on request of Senator Patterson, the rules were suspended by which no bill may be read the second and third times on the same day.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Patterson House File 165, a bill for an act to amend section fifty-three hundred thirty-seven (5337), Code, 1931, as amended by Chapter one hundred twenty-one (121), section twenty-eight (28), Acts of the Forty-fifth General Assembly, relating to the levying of a poor tax for the support of the poor, was taken up and considered.

By unanimous consent, on request of Senator Patterson, action was deferred and House File 165 was made a special order for 10:30 a. m. Friday.

On motion of Senator Mullaney, the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel, President pro tempore Harold L. Irwin presiding.

Senator Ritchie called up for consideration the following resolution and moved its adoption:

SENATE CONCURRENT RESOLUTION 3

Whereas, Fred Ballard was injured on the 11th day of May, 1931, while in the employ of the custodian of the buildings and grounds of the State House at Des Moines, Iowa, said injury having been received while moving a coal crusher, consisting of multiple fractures of the left leg; and

Whereas, Said Fred Ballard has been unable, since said accident, to pursue the same method of earning a livelihood as he had pursued prior to that time, or any other means of gaining a livelihood; now, therefore,

Be It Resolved by the Senate, the House concurring, That the executive council be urged to employ Fred Ballard for the State of Iowa in some capacity for which he is physically fitted.

Senator Wenner offered the following amendment and moved its adoption:

Amend by inserting after the title the following: "(Requested by the Executive Council)".

The amendment was lost.

Roll call was demanded on adoption of the resolution.

Senator Moore moved to defer action temporarily.

The motion prevailed.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Schmidt Senate File 169, a bill for an act to prohibit "marathon dances", "walkathons", "skatathons", or any endurance contest in the State of Iowa, and providing penalties for any person, firm or corporation participating in, aiding or promoting such contests, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Schmidt offered the following amendment and moved its adoption:

Amend by striking Section one (1) and inserting in lieu thereof the following:

"Section 1. It shall be unlawful for any person or persons, firm or corporation to advertise, operate, maintain, promote or aid in the advertising, operating, maintaining or promoting any mental or physical endurance contest in the nature of a "marathon", "walkathon", "skatathon", or any other such endurance contest of a like or similar character or nature, whether under that or other names. Nothing in this act shall apply to the continuance of the ordinary amateur or professional athletic events or contests, or high school, college, and inter-collegiate athletic sports."

The amendment was adopted.

Senator Coykendall offered the following amendment and moved its adoption:

Amend by adding after the word "names" in line 7, Section 1, the following words: "except and unless same be held within the corporate limits of a city or town, and under the direction of a charitable or fraternal organization".

The amendment was lost.

Senator Calhoun offered the following amendment to the bill as amended and moved its adoption:

Amend section 1 by inserting in line 2 after the word "maintain" the word "attend,"; also by inserting in line 2 of section 2 after the word "in" the word ", attending".

The amendment was adopted.

Senator Stanley offered the following amendment and moved its adoption.

Amend section 2 by striking from lines 3 and 4 the following: "less than one hundred dollars (\$100), or".

The amendment was lost.

Senator Stevens of Decatur offered the following amendment and moved its adoption:

Amend by striking all of Section three (3) and inserting in lieu thereof the following:

"Sec. 3. This act, being deemed of immediate importance, shall be in full force and effect after its passage and publication in the Lamoni Chronicle, a newspaper published at Lamoni, Iowa, and in The Record-News, a newspaper published at Mount Ayr, Iowa."

The amendment was adopted.

Senator Ritchie moved the previous question, which motion prevailed.

Senator Schmidt moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Anderson	Hopkins	Miller of	Shangle
Baldwin	Hush	Buchanan	Stanley
Booth	Husted	Miller of Jones	Stevens of
Byers	Irwin	Moore	Decatur
Calhoun	Kimberly	Mullaney	Stevens of
Coykendall	Klemme	Nelson	Wapello
Doze	Knudson	Pendray	Tripp
Elthon	Leo	Reese	Valentine
Fisch	McArthur	Ritchie	Wilson
Hill	Meyer	Schmidt	

Nays, 2.

Harrington	Patterson
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Absent or not voting, 12.

Aschenbrenner	Bennett	Frailey	Roelofs
Beardsley	Carden	Geske	Topping
Beatty	Chrystal	Hicklin	Wenner

The bill having received a constitutional majority was declared to have passed the Senate.

Senator Calhoun moved to amend the title by striking the word "aiding" and inserting in lieu thereof the word "attending".

The amendment was adopted and the title as amended was agreed to.

Senator Schmidt moved that the vote by which the bill passed the Senate be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

The journal of December 27th was corrected and approved.

REPORTS OF COMMITTEES

Senator Wilson submitted the following report:

MR. PRESIDENT: Your committee on cities and towns to which was referred Senate File 119, a bill for an act to amend chapter one hundred twenty-three (123) of the Forty-fifth General Assembly, relating to levies to be made by cities having a population of one hundred thousand or more, for the lighting of streets and public places, begs leave to report it has had the same under consideration and recommends the same do pass.

GEORGE A. WILSON, *Chairman.*

Ordered passed on file.

Senator Stevens of Wapello submitted the following reports:

MR. PRESIDENT: Your committee on reduction of public expenditures to which was referred Senate File 167, a bill for an act to amend section fifty-two hundred twenty-eight (5228), code, 1931, relative to statutory salaries and compensation of certain county officers, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

ROY E. STEVENS, *Chairman.*

Ordered passed on file.

Also:

Your committee on reduction of public expenditures to which was referred Senate File 189, a bill for an act to amend section 5 of Chapter one hundred twenty three (123), relating to levies to be made by any city or town for the operation and maintenance of its police department, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

ROY E. STEVENS, *Chairman.*

Ordered passed on file.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which Senate File 21 failed to pass the Senate.

D. MYRON TRIPP.

AMENDMENTS FILED

Amend House File 165 by adding thereto the following:

"Sec. 2. This act being deemed of immediate importance shall be in full force and effect from and after its publication in the Kossuth County Advance, a newspaper published at Algona, Iowa and the Milton Herald, a newspaper published at Milton, Iowa".

JOHN N. CALHOUN.

Amend Senate File 48 by inserting after the word "sold" in line 4 of Section 1 thereof, the following: "and/or delivered".

Further amend Section 1 by striking the period at the end of line 11 and adding the following: "; provided further that present owners and users of prison-made farm machinery shall not be denied the privilege of securing necessary repair parts direct from the manufacturer during the ordinary life of the machine; and provided further that this act shall not apply to or prohibit the production of lime stone for agricultural purposes."

Further amend by adding after Section 4 as Section 5, the following: "Sec. 5. If any portion of this act is held unconstitutional or invalid, such holding shall not affect the remaining portions of this act.", and re-numbering the following section.

JOHN K. VALENTINE.

Amend House File 165 by adding the following:

"Sec. 2. Amend Section Five Thousand Two hundred Sixty c Nine (5260-c9) of the Code of 1931 by striking the period (.) at the end of said section and by adding the following: ', and provided further that after December 31, 1934 no transfer shall be made to a particular fund unless there is a shortage in said fund after the maximum permissible levy has been made for said fund.'"

Amend the title by adding thereto the following: "To amend Section Five Thousand Two Hundred Sixty c Nine (5260-c9) of the Code of 1931, relating to the authority to make transfers from one fund or department to another fund or department, and limiting the authority to make such transfers."

EDW. J. WENNER.

On motion of Senator Anderson, the Senate adjourned until 10:00 a. m. Friday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 29, 1933.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. Wm. McClung, pastor of the Christian Church of Corning.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Stanley for the day, on request of Senator Carden.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Opposing change in state prohibition laws. Senator Tripp from citizens of Newton. Liquor control.

Favoring passage of bill prohibiting public employment of married women. Senator Reese from citizens of Dougherty. Labor.

Favoring increase of county officers' wage to November, 1932 basis. Senator Stevens of Decatur from Union county officers. County and township affairs.

Favoring passage of House File 137 restoring fees to Clerk of District Court. Senator Valentine from attorneys of Davis county. Judiciary No. 1.

SENATE FILES 58, 175 AND 146 ORDERED

By unanimous consent, on request of Senator Nelson, 600 extra copies of Senate Files 58, 175 and 146 were ordered printed.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, House Files 28, 84, 141; Senate Files 226, 122, 97, 19 and 20.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House Files 28, 84, 141; Senate Files 226, 122, 97, 19 and 20.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the governor announcing that he had signed the following bills:

On December 19th, Senate File 65, a bill for an act to amend Section Six Thousand Six Hundred Six (6606), code, 1931, relating to the power to establish an Armory.

On December 22nd, Senate File 83, a bill for an act to amend chapter one hundred twenty-three (123), Acts of the Forty-fifth General Assembly, relative to levies to be made by any city or town for fire fund and fire department maintenance.

SENATE FILES 139 AND 195 ON THE CALENDAR

Under rule 35, Senator Doze called Senate File 139 from the committee on emergency legislation and placed it on the calendar.

Under rule 35, Senator Patterson called Senate File 195 from the committee on ways and means and placed it on the calendar.

By unanimous consent, on request of Senator Mullaney, Senate File 141 was withdrawn from the committee on judiciary No. 1 and placed on the calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 24, a bill for an act requiring telephone companies to furnish equal service and facilities to each other without discrimination.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 71, a bill for an act enabling the United States to acquire state lands for National Forests.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 278, a bill for an act relating to limitation of claims now filed or hereafter filed against the State Sinking Fund for public deposits.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 264, a bill for an act relating to the licensing of certain employment agencies.

VIRGIL LEKIN, *Chief Clerk.*

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Mullaney Senate File 141, a bill for an act to legalize the proceedings of the board of directors of The Elgin-Brainard Farmers Cooperative Company of Elgin, Iowa, was taken up and considered.

The bill was read for information.

Senator Mullaney moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Anderson	Fisch	Meyer	Shangle
Aschenbrenner	Harrington	Miller of	Stevens of
Baldwin	Hill	Buchanan	Decatur
Beardsley	Hopkins	Miller of Jones	Stevens of
Byers	Hush	Mullaney	Wapello
Calhoun	Husted	Patterson	Topping
Carden	Irwin	Pendray	Tripp
Coykendall	Klemme	Reese	Valentine
Doze	Leo	Ritchie	Wenner
Elthon	McArthur	Schmidt	Wilson

Nays, none.

Absent or not voting, 13.

Beatty	Frailey	Kimberly	Nelson
Bennett	Geske	Knudson	Roelofs
Booth	Hicklin	Moore	Stanley
Chrystal			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Mullaney moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Valentine, the rules were suspended and Senate File 126 was withdrawn from the committee on judiciary No. 1 and placed on the calendar.

By unanimous consent, on motion of Senator Valentine Senate File 126, a bill for an act authorizing courts to enter rule for mental examination of persons who affirmatively plead their own mental disability in any legal proceedings to which they are parties, was taken up and considered.

Senator Valentine offered the following amendment and moved its adoption:

Amend section 2 by striking from line 8 the word "admissable" and inserting in lieu thereof the word "admissible".

The amendment was adopted.

The bill was read for information.

Senator Valentine moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Anderson	Fisch	Leo	Shangle
Aschenbrenner	Harrington	McArthur	Stevens of
Baldwin	Hicklin	Meyer	Decatur
Booth	Hill	Miller of	Stevens of
Byers	Hopkins	Buchanan	Wapello
Calhoun	Hush	Miller of Jones	Topping
Carden	Husted	Mullaney	Tripp
Coykendall	Irwin	Nelson	Valentine
Doze	Kimberly	Reese	Wenner
Elthon	Knudson	Schmidt	Wilson

Nays, 2.

Beardsley	Beatty
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Absent or not voting, 11.

Bennett	Geske	Patterson	Roelofs
Chrystal	Klemme	Pendray	Stanley
Frailey	Moore	Ritchie	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Valentine moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

CONSIDERATION OF SPECIAL ORDER

The time having arrived for consideration of the special order, on motion of Senator Patterson House File 165, a bill for an act to amend section fifty-three hundred thirty-seven (5337), Code, 1931, as amended by Chapter one hundred twenty-one (121), section twenty-eight (28), Acts of the Forty-fifth General Assembly, relating to the levying of a poor tax for the support of the poor, was taken up, and considered, action having been deferred, as shown on page 507 of the Senate journal.

Senator Wenner offered the following amendments and moved their adoption:

Amend by adding the following:

"Sec. 2. Amend Section Three Hundred Eighty-eight (388) of the Code of Iowa, 1931, by striking the period (.) at the end of said section and by adding the following: ', and provided further that after December 31, 1934 no transfer shall be made to a poor fund unless there is a shortage in said fund after the maximum permissible levy has been made for said fund.'"

Amend the title by adding thereto the following:

"; to amend Section Three Hundred Eighty-eight (388) of the Code of Iowa, 1931, relating to the authority to make transfers from one fund to another fund, and limiting the authority to make such transfers."

The amendments were adopted.

By unanimous consent on request of Senator Wenner his amendment as found on page 511 of the Senate journal was withdrawn.

Senator Calhoun offered the following amendment and moved its adoption:

Amend by adding thereto the following:

"Sec. 2. This act being deemed of immediate importance shall be in full force and effect from and after its publication in the Kossuth County Advance, a newspaper published at Algona, Iowa and the Milton Herald, a newspaper published at Milton, Iowa".

The amendment was adopted.

Senator Beatty offered the following amendment and moved its adoption:

Amend section 2 by inserting in line 4 before the word "transfer" the word "permanent".

The amendment was lost.

Senator Patterson moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Anderson	Elthon	Leo	Ritchie
Aschenbrenner	Fisch	McArthur	Schmidt
Baldwin	Hill	Meyer	Shangle
Beardsley	Hopkins	Miller of	Stevens of
Booth	Hush	Buchanan	Decatur
Byers	Husted	Miller of Jones	Stevens of
Calhoun	Irwin	Mullaney	Wapello
Carden	Kimberly	Nelson	Wenner
Coykendall	Klemme	Patterson	Wilson
Doze	Knudson	Pendray	

Nays, 5.

Harrington	Moore	Topping	Tripp
Hicklin			

Absent or not voting, 9.

Beatty	Frailey	Reese	Stanley
Bennett	Geske	Roelofs	Valentine
Chrystal			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Patterson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

Senator Patterson moved that the rules be suspended and House File 165 be messaged to the House immediately.

By unanimous consent, on motion of Senator Wilson Senate File 239, a bill for an act to amend the provisions of chapter two hundred eighty-two (282) of the 1931 Code of Iowa, relating to limitation of the boundaries of a benefited water district, creating a board of trustees to supervise and manage such district, and by changing the method of taxing property for establishing and maintaining said district, a county and township affairs committee bill, was taken up and considered.

Senator Harrington offered the following amendment and moved its adoption:

Amend by striking sections one (1) and two (2), and by inserting in lieu thereof the following:

"Section 1. Section fifty-five hundred twenty-two (5522) of the Code, 1931, is hereby repealed, and the following enacted in lieu thereof:

"The board of supervisors of any county shall have the power to estab-

lish benefited water districts as in the judgment of said board will receive special benefits from water service, to change the boundaries of such district from time to time as may become in the judgment of such board of supervisors just and equitable, and assess so much of the costs of establishing and maintaining such water service, including the costs of construction and installation of water mains, hydrants, and all other equipment and labor necessary to the construction and maintenance of such water service, against all lots or tracts of land contained in the benefited districts as shall equal and be in proportion to the special benefits conferred by said service and not in excess thereof. In no case shall such assessment exceed twenty-five per cent of the actual value of said lots or tracts at the time of levy thereof, except when the water service has been petitioned for, and in such case the assessment may be levied against the lots and tracts of land of the district without such twenty-five per cent limitation, but in no event shall the assessment for any one year exceed ten per cent of the total cost of installing and establishing of such water service.'"

Further amend by renumbering the remaining sections.

The amendment was adopted.

Senator Wilson moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?" the vote was:

Ayes, 35.

Anderson	Harrington	Miller of	Stevens of
Aschenbrenner	Hicklin	Buchanan	Decatur
Baldwin	Hill	Miller of Jones	Stevens of
Beatty	Hopkins	Moore	Wapello
Booth	Irwin	Mullaney	Topping
Byers	Kimberly	Nelson	Tripp
Carden	Klemme	Pendray	Valentine
Coykendall	Leo	Schmidt	Wenner
Doze	McArthur	Shangle	Wilson
Fisch	Meyer		

Nays, 3.

Beardsley	Calhoun	Ritchie
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Absent or not voting, 12.

Bennett	Frailey	Husted	Reese
Chrystal	Geske	Knudson	Roelofs
Elthon	Hush	Patterson	Stanley

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

SENATE FILE 128 ON THE CALENDAR

Under rule 35, Senator Calhoun withdrew Senate File 128 from the committee on banks and banking and placed it on the calendar.

Senator Klemme moved to recess until 1:30 p. m. today.

Senator Harrington as a substitute, moved to adjourn until Tuesday, January 2d, 1934, until 1:00 p. m.

Senator Hush raised the point of order that the Senate cannot adjourn more than three days without the consent of the House.

The chair took under advisement the point of order raised by Senator Hush.

Senator Hicklin moved to amend the substitute by striking all after the word "moved" and inserting in lieu thereof the following: "that when the Senate adjourns tomorrow, it be to reconvene Tuesday, January 2d, 1934, at 1:00 p. m."

Senator Wilson as a substitute for all pending motions, moved to recess until 1:35 p. m. today.

The substitution was made.

The substituted motion prevailed, and the Senate recessed until 1:35 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Wilson Senate File 109, a bill for an act to amend section three hundred eighty (380), Code, 1931, as amended by chapter fourteen (14), Acts Forty-fifth (45th) General Assembly, relating to the limitation on expenditures of certain municipalities, with report of committee on cities and towns without recommendation, was taken up, considered, and the report of the committee adopted.

Senator Wilson offered the following amendment and moved its adoption:

Amend section 2 by providing for publication in the Clinton Herald and the DeWitt Observer.

The amendment was adopted.

The bill was read for information.

Senator Wilson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 32.

Baldwin	Hopkins	Miller of	Ritchie
Byers	Hush	Buchanan	Schmidt
Coykendall	Irwin	Miller of Jones	Shangle
Doze	Kimberly	Moore	Stevens of
Elthon	Klemme	Mullaney	Decatur
Fisch	Knudson	Nelson	Topping
Harrington	Leo	Patterson	Valentine
Hicklin	Meyer	Pendray	Wilson
Hill		Reese	

Nays, 4.

Beatty	Calhoun	Husted	Stevens of Wapello
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Absent or not voting, 14.

Anderson	Booth	Geske	Stanley
Aschenbrenner	Carden	McArthur	Tripp
Beardsley	Chrystal	Roelofs	Wenner
Bennett	Frailey		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Wilson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Wilson Senate File 153, a bill for an act to authorize, and provide a method for the discontinuance of the "Stamp-Note Plan" as authorized by Section 103, Laws of the Forty-Fifth General Assembly, and to authorize the retirement and redemption by counties that have adopted the Stamp-Note Plan, of stamp-notes issued in the name of the county, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

By unanimous consent, on request of Senator Wilson, the bill was amended by striking the word "may" in line 2 of sec. 2 and inserting in lieu thereof the word "shall".

Also by providing for publication in the Des Moines Daily Record and the Fontanelle Observer.

The bill was read for information.

Senator Wilson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Anderson	Hill	Miller of	Stevens of
Aschenbrenner	Hopkins	Buchanan	Decatur
Booth	Hush	Miller of Jones	Stevens of
Byers	Husted	Moore	Wapello
Calhoun	Irwin	Mullaney	Topping
Coykendall	Kimberly	Nelson	Tripp
Doze	Klemme	Pendray	Valentine
Fisch	Leo	Reese	Wenner
Harrington	McArthur	Schmidt	Wilson
Hicklin	Meyer	Shangle	

Nays, none.

Absent or not voting, 14.

Baldwin	Carden	Geske	Ritchie
Beardsley	Chrystal	Knudson	Roelofs
Beatty	Elthon	Patterson	Stanley
Bennett	Frailey		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Wilson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Fisch House File 56, a bill for an act to provide for a refund on road poll taxes, called from committee under rule 35, was taken up and considered.

The bill was read for information.

Senator Fisch moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Aschenbrenner	Fisch	Knudson	Schmidt
Baldwin	Harrington	McArthur	Shangle
Beardsley	Hicklin	Meyer	Stevens of
Beatty	Hill	Miller of	Decatur
Booth	Hopkins	Buchanan	Stevens of
Byers	Hush	Miller of Jones	Wapello
Calhoun	Husted	Moore	Topping
Coykendall	Irwin	Mullaney	Tripp
Doze	Kimberly	Pendray	Valentine
Elthon	Klemme	Reese	Wilson

Nays, 1.

Anderson

Absent or not voting, 12.

Bennett	Frailey	Nelson	Roelofs
Carden	Geske	Patterson	Stanley
Chrystal	Leo	Ritchie	Wenner

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent on request of Senator McArthur, House File 265 was substituted for Senate File 216, a companion bill on the calendar.

By unanimous consent, on motion of Senator McArthur House File 265, a bill for an act to repeal section fifteen fifty-one-c four (1551-c4), Code, 1931 relating to license fees for the operation of an employment agency, and to enact a substitute therefore, was taken up, and considered.

The bill was read for information.

Senator Tripp offered the following amendment and moved its adoption:

Amend by striking from lines 4 and 5 and inserting in lieu thereof the following:

"1551-f4. Fee. The annual license fee shall be five (5%) per cent of the gross income."

The amendment was lost.

Senator McArthur offered the following amendments and moved their adoption:

Amend by striking from line 3 the word "lieu" and inserting in lieu thereof the word "lieu".

Also amend the title by striking from the last line the word "therefore" and inserting in lieu thereof the word "therefor".

The amendments were adopted.

Senator McArthur moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 26.

Anderson	Elthon	Hush	Knudson
Aschenbrenner	Harrington	Irwin	Leo
Byers	Hicklin	Kimberly	McArthur

Miller of Buchanan	Nelson Patterson	Ritchie Shangle	Stevens of Wapello
Miller of Jones	Pendray	Stevens of Decatur	Tripp
Mullaney	Reese		Valentine Wilson

Nays, 15.

Baldwin	Coykendall	Hopkins	Schmidt
Beatty	Doze	Klemme	Topping
Booth	Fisch	Meyer	Wenner
Calhoun	Hill	Moore	

Absent or not voting, 9.

Beardsley	Chrystal	Geske	Roelofs
Bennett	Frailey	Husted	Stanley
Carden			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator McArthur moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator McArthur, Senate File 216, a companion bill to the one just passed, was withdrawn from further consideration.

By unanimous consent, on motion of Senator Elthon House File 74, a bill for an act to amend section one (1), Chapter seventy-three (73), Acts of the Forty-fifth (45th) General Assembly, relating to the payment of road poll tax, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Elthon moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 21.

Aschenbrenner	Elthon	Miller of Jones	Ritchie
Beardsley	Harrington	Mullaney	Schmidt
Beatty	Hush	Nelson	Stevens of
Byers	Irwin	Pendray	Decatur
Calhoun	Knudson	Reese	Wilson
Doze	McArthur		

Nays, 21.

Anderson	Hill	Meyer	Stevens of
Baldwin	Hopkins	Miller of	Wapello
Booth	Husted	Buchanan	Topping
Coykendall	Kimberly	Moore	Tripp
Fisch	Klemme	Patterson	Wenner
Hicklin	Leo	Shangle	

Absent or not voting, 8.

Bennett	Chrystal	Geske	Stanley
Carden	Frailey	Roelofs	Valentine

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

REPORT OF COMMITTEE

Senator Irwin submitted the following report:

MR. PRESIDENT: Your committee on banks and banking to which was referred House File 6, a bill for an act to amend section seven thousand two hundred thirty-seven (7237), Code, 1931, relating to remission of taxes in case of loss, begs leave to report it has had the same under consideration and recommends the same do pass.

H. L. IRWIN, *Chairman.*

THIRD READING OF BILLS

By unanimous consent, the rules were suspended and on motion of Senator Shangle House File 6, a bill for an act to amend section seven thousand two hundred thirty-seven (7237), Code, 1931, relating to remission of taxes in case of loss, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Wenner offered the following amendments and moved their adoption:

Amend by striking all after the enacting clause and substituting the following:

"Section 1. Section seven thousand two hundred thirty-seven (7237) of the Code of Iowa, 1931, is hereby repealed and the following is substituted in lieu thereof.

"7237. Remission in Case of Removal or Loss. The board of supervisors shall remit in whole or in part the taxes of any person whose buildings have been removed or whose buildings, crops, stock, or other property has been destroyed by fire, tornado, or other unavoidable casualty. The loss for which such remission is allowed shall be such only as is not covered by insurance. The loss of capital stock in a bank operated within the State of Iowa and the making and paying of a stock assessment for the year such stock was assessed for taxation shall be a destruction within the meaning of this section."

"Sec. 2. This act being deemed of immediate importance shall be in full force and take effect from and after its publication in the Iowa Falls Citizen, a newspaper published at Iowa Falls, Iowa, and in the Cedar Rapids Gazette, a newspaper published at Cedar Rapids, Iowa."

Amend the title by striking same and by substituting the following:

"An Act to repeal Section seven thousand two hundred thirty-seven (7237) of the Code of Iowa, 1931, and enact a substitute therefor, relating to remission of taxes in case of loss, removal, or destruction of property."

Senator Tripp moved to defer action.

The motion was lost.

Senator Wenner offered the following amendment to the amendment and moved its adoption:

Amend section 1 by striking from line 7 the word "has" and inserting in lieu thereof the word "have".

The amendment to the amendment was adopted.

The amendment was lost.

Senator Shangle moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?" the vote was:

Ayes, 29.

Anderson	Harrington	Miller of Jones	Stevens of
Aschenbrenner	Hicklin	Moore	Decatur
Baldwin	Hopkins	Mullaney	Stevens of
Beatty	Hush	Pendray	Wapello
Booth	Irwin	Reese	Topping
Byers	Kimberly	Ritchie	Tripp
Doze	Leo	Schmidt	Valentine
Fisch	Miller of Buchanan	Shangle	

Nays, 9.

Beardsley	Elthon	Klemme	Wenner
Calhoun	Hill	Meyer	Wilson
Coykendall			

Absent or not voting, 12.

Bennett	Frailey	Knudson	Patterson
Carden	Geske	McArthur	Roelofs
Chrystal	Husted	Nelson	Stanley

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Shangle moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

President N. G. Kraschel took the chair at 3:25 p. m.

By unanimous consent, on request of Senator Shangle, Senate File 9, a companion bill to the one just passed, was withdrawn.

COPIES SENATE FILE 230 ORDERED

By unanimous consent, on request of Senator Nelson, 600 extra copies of Senate File 230 were ordered printed.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, Senate Files 24 and 71.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate Files 24 and 71.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 29th day of December, 1933, sent to the Governor for his approval, Senate Files 226, 122, 97, 19 and 20.

HOMER HUSH, *Chairman.*

Passed on file.

By unanimous consent, on request of Senator Irwin, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 240, by committee on banks and banking, a bill for an act to amend Section seven (7), Chapter one hundred fifty-nine (159) of the Acts of the 45th General Assembly relating to

Public Funds in any bank whose deposit liabilities have been assumed by another bank.

Read first and second times and placed on the calendar.

HOUSE MESSAGES CONSIDERED

House File 278, a bill for an act to amend Chapter Three Hundred Fifty-two a 1 (352-a1), Code, 1931, relating to limitation of claims now filed or hereafter filed against the State Sinking Fund for public deposits and providing for assignment and reassignment of such claims and barring claims not so assigned, and repealing all acts in conflict.

Read first and second times and referred to committee on banks and banking.

House File 264, a bill for an act to amend section fifteen forty-six-a one (1546-a1), Code, 1931, by striking out certain provisions relating to the Limitation of fee for the furnishing or procurement of employment by an employment agency and enacting a substitute therefore; and to amend section fifteen hundred fifty-one-c two (1551-c2), code, 1931, relating to the licensing of certain employment agencies.

Read first and second times and referred to committee on labor.

REPORTS OF COMMITTEES

Senator Wenner submitted the following reports:

MR. PRESIDENT: Your committee on elections to which was referred Senate File 112, a bill for an act to clarify the absent voters' law with respect to the oaths required of such voters, and as to the officers who may take such oaths, and to amend and supplement Chapter Forty-four (44) of the Code of Iowa, 1931, begs leave to report it has had the same under consideration and recommends the same do pass.

EDW. J. WENNER, *Chairman.*

Ordered passed on file.

Also:

Your committee on elections to which was referred Senate File 142, a bill for an act providing for the non-partisan nomination and election of judges of the supreme and district courts of the state of Iowa; also for the form and contents of declaration of candidacy of such candidates

and accompanying petitions; etc., begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

EDW. J. WENNER, *Chairman.*

Ordered passed on file.

AMENDMENT FILED

Amend Section One (1) of Senate File 10 by striking all of lines three (3), four (4) and five (5) and the word "also" in line six (6).

HOMER HUSH.

The journal of December 28th was corrected and approved.

On motion of Senator Fisch, the Senate adjourned until 10:00 a. m. Saturday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, DECEMBER 30, 1933.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Henry McCraven, pastor of the A. M. E. Church of Des Moines.

LEAVE OF ABSENCE

By unanimous consent, on request of Senator Calhoun, all absent senators were excused for the day.

PETITIONS AND MEMORIALS

The following petition was presented and referred to the designated committee:

Favoring increase in county officers' wages. Senator Valentine from county officers of Davis county. Reduction of public expenditures.

INTRODUCTION OF BILLS

Senate File No. 241, by committee on judiciary No. 2, a bill for an act to legalize and validate proceedings taken by the City Council of the City of Burlington, Iowa, authorizing and providing for the issuance of Public Building Bonds of said City and making provisions for the levy of taxes to pay said bonds.

Read first and second times and placed on the calendar.

Senate File No. 242, by committee on fish and game, a bill for an act to amend chapter eighty-six (86), code of Iowa, 1931, by amending section seventeen hundred four (1704), section seventeen hundred forty-five (1745), and section seventeen hundred ninety-four (1794), all relating to the propagation and protection of fish, game, wild birds, and animals.

Read first and second times and placed on the calendar.

Senate File No. 243, by committee on fish and game, a bill for an act to amend section ten (10) of chapter thirty (30) of the Laws of the Forty-fifth General Assembly to provide for an increase in license fees to provide adequate funds to make possible the development of the Iowa Twenty-five Year Conservation Program.

Read first and second times and placed on the calendar.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 74 failed to pass the Senate.

WM. H. KLEMME.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 30th day of December, 1933, sent to the Governor for his approval, Senate Files 24 and 71.

HOMER HUSH, *Chairman*.

Passed on file.

SENATE FILE 104 ON THE CALENDAR

Under rule 35, Senator Tripp called Senate File 104 from the committee on emergency legislation and placed it on the calendar.

Due to the absence of authors of amendments to Senate File 1, the noncontroversial bills on the calendar were considered.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Tripp, Senate File 185, a bill for an act to authorize and provide for assessments on mercantile businesses established in a county after January first (1st) and prior to July first (1st) of any year, to declare the effect thereof, and to provide the procedure for the making of such assessments and for the collection of the taxes levied thereon, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Calhoun offered the following amendment and moved its adoption:

Amend section 1 by striking from line 3 the word "July" and inserting in lieu thereof the word "September".

The amendment was adopted.

The bill was read for information.

Senator Tripp moved that the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?" the vote was:

Ayes, 29.

Booth	Hicklin	Knudson	Schmidt
Calhoun	Hill	Leo	Shangle
Coykendall	Hopkins	Meyer	Stevens of
Doze	Hush	Miller of	Decatur
Elthon	Husted	Buchanan	Tripp
Fisch	Irwin	Mullaney	Valentine
Frailey	Kimberly	Pendray	Wilson
Harrington	Klemme	Reese	

Nays, 2.

Miller of Jones	Moore
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Absent or not voting, 19.

Anderson	Bennett	McArthur	Stanley
Aschenbrenner	Byers	Nelson	Stevens of
Baldwin	Carden	Patterson	Wapello
Beardsley	Chrystal	Ritchie	Topping
Beatty	Geske	Roelofs	Wenner

The bill having received a constitutional majority was declared to have passed the Senate.

Senator Tripp moved to amend the title by striking the word "July" and inserting in lieu thereof the word "September".

The amendment was adopted.

The title as amended was agreed to.

Senator Tripp moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table.

The motion prevailed.

By unanimous consent, on motion of Senator Hicklin, Senate File 240, a bill for an act to amend Section seven (7), Chapter one hundred fifty-nine (159) of the Acts of the 45th General Assembly relating to Public Funds in any bank whose deposit liabilities have been assumed by another bank, a banks and banking committee bill, was taken up and considered.

Senator Stevens of Decatur offered the following amendment and moved its adoption:

Amend by striking sec. 2 and inserting in lieu thereof the following:

"Sec. 2. This Act, being deemed of immediate importance, shall be in full force and effect from and after its passage and publication as provided by law, in the Lamoni Chronicle, a newspaper published at Lamoni, Iowa, and in the Leon Reporter, a newspaper published at Leon, Iowa."

The amendment was adopted.

The bill was read for information.

Senator Hicklin moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 30.

Anderson	Harrington	Knudson	Pendray
Booth	Hicklin	Leo	Reese
Calhoun	Hill	Meyer	Schmidt
Coykendall	Hopkins	Miller of	Shangle
Doze	Hush	Buchanan	Stevens of
Elthon	Husted	Miller of Jones	Decatur
Fisch	Kimberly	Moore	Tripp
Frailey	Klemme	Mullaney	Valentine

Nays, 1.

Wilson

Absent or not voting, 19.

Aschenbrenner	Byers	McArthur	Stanley
Baldwin	Carden	Nelson	Stevens of
Beardsley	Chrystal	Patterson	Wapello
Beatty	Geske	Ritchie	Topping
Bennett	Irwin	Roelofs	Wenner

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hicklin moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Schmidt, House File 115, a bill for an Act to make permanent a temporary transfer made August 16, 1932, by authority of the Director of the Budget for Iowa, of ten thousand dollars (\$10,000.00) from the Secondary Road Construction Fund of O'Brien County, Iowa, to the Poor Fund of said county, with report of committee on judiciary No. 2, without recommendation, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Schmidt moved that the reading just had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 23.

Anderson	Hicklin	Meyer	Pendray
Booth	Hill	Miller of	Reese
Doze	Kimberly	Buchanan	Stevens of
Elthon	Klemme	Miller of Jones	Decatur
Fisch	Knudson	Moore	Valentine
Frailey	Leo	Mullaney	Wilson
Harrington			

Nays, 7.

Coykendall	Hush	Schmidt	Tripp
Hopkins	Husted	Shangle	

Absent or not voting, 20.

Aschenbrenner	Calhoun	McArthur	Stanley
Baldwin	Carden	Nelson	Stevens of
Beardsley	Chrystal	Patterson	Wapello
Beatty	Geske	Ritchie	Topping
Bennett	Irwin	Roelofs	Wenner
Byers			

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 115 failed to pass the Senate.

PAUL W. SCHMIDT.

Senator Hopkins moved to table the motion to reconsider.

Roll call was demanded.

On the question "Shall the motion to table prevail?" the vote was:

Ayes, 2.

Hopkins	Husted
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Nays, 27.

Anderson	Hicklin	Meyer	Reese
Booth	Hill	Miller of	Schmidt
Coykendall	Hush	Buchanan	Shangle
Doze	Kimberly	Miller of Jones	Stevens of
Elthon	Klemme	Moore	Decatur
Fisch	Knudson	Mullaney	Valentine
Frailey	Leo	Pendray	Wilson
Harrington			

Absent or not voting, 21.

Aschenbrenner	Calhoun	Nelson	Stevens of
Baldwin	Carden	Patterson	Wapello
Beardsley	Chrystal	Ritchie	Topping
Beatty	Geske	Roelofs	Tripp
Bennett	Irwin	Stanley	Wenner
Byers	McArthur		

The motion to table was lost.

By unanimous consent, on request of Senator Mullaney, the rules were suspended and House File 98 was withdrawn from the committee on judiciary No. 1 and placed on the calendar.

By unanimous consent, on motion of Senator Mullaney, House File 98, a bill for an Act to amend section nineteen hundred five-c twenty-six (1905-c26) code, 1931, relating to real estate brokers, was taken up and considered.

The bill was read for information.

Senator Hicklin offered the following amendment and moved its adoption:

Amend by striking from line 4 the words "who shall be employed to sell" and inserting in lieu thereof the words "while selling".

The amendment was adopted.

Senator Shangle offered the following amendment and moved its adoption:

Amend by striking from line 4 the words "while selling" and inserting in lieu thereof the words "when employed to sell".

The amendment was lost.

Senator Mullaney moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 29.

Anderson	Hill	Leo	Schmidt
Booth	Hopkins	Meyer	Shangle
Calhoun	Hush	Miller of	Stevens of
Coykendall	Husted	Buchanan	Decatur
Doze	Irwin	Miller of Jones	Tripp
Elthon	Kimberly	Moore	Valentine
Fisch	Klemme	Mullaney	Wilson
Frailey	Knudson	Pendray	

Nays, none.

Absent or not voting, 21.

Aschenbrenner	Carden	Nelson	Stanley
Baldwin	Chrystal	Patterson	Stevens of
Beardsley	Geske	Reese	Wapello
Beatty	Harrington	Ritchie	Topping
Bennett	Hicklin	Roelofs	Wenner
Byers	McArthur		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Mullaney moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

The journal of December 29th was corrected and approved.

On motion of Senator Wilson, the Senate adjourned until Tuesday, January 2d at 1:30 p. m.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 2, 1934.

The Senate met pursuant to adjournment, President N. G. Kraschel presiding.

Prayer was offered by Rev. R. L. L. Barnstable, pastor of the Asbury M. E. Church of Des Moines.

Out of respect for Senator Irving H. Knudson, whose son was accidentally killed this afternoon, Senator Wilson moved to adjourn until 10:00 a. m. Wednesday.

The motion prevailed.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 3, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. A. R. Weed, pastor of the West Star and Worthington Churches of Winterset, also a member of the House of Representatives.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring Harrington liquor bill and opposing liquor control committee bill. Senator Hicklin from business men of West Liberty. Favoring removal of limitation of alcoholic content of beer; favoring present distribution channels; favoring protection of existing liquor licenses. Senator Byers from citizens of Cedar Rapids. Liquor control.

Opposing direct buying of livestock. Senator Tripp from voters of Monroe and Prairie City; Senator Anderson from farmers of Vincent. Emergency legislation.

Favoring old age pension bill. Senator Wilson from voters of Des Moines and Waterloo. Judiciary No. 2.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hopkins, member of the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: House Files 6, 165, 56, and 265.

GEO. M. HOPKINS, *Member of Senate Committee.*
WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House Files 6, 165, 56, and 265.

FELLOWS MEMORIAL RESOLUTION

Whereas, The Hon. Albert M. Fellows of Lansing, Allamakee County, Iowa, who was a member of the Senate in the Thirty-fifth, Thirty-sixth, Thirty-seventh and Thirty-eighth General Assemblies representing the Fortieth Senatorial District of the State of Iowa, died in his home during the interim between the meeting of the Forty-fourth and Forty-fifth General Assemblies; therefore,

Be It Resolved by the Senate of the Forty-fifth General Assembly in Extraordinary Session, That a committee of three be appointed to draft suitable resolutions commemorating the life, character and service of this leading business man, citizen and lawmaker of said district.

T. W. MULLANEY.

By unanimous consent, on request of Senator Mullaney, the rules were suspended and the resolution was taken up and considered.

The resolution was adopted.

The President appointed on the committee, Senators Mullaney, Frailey and Geske.

SENATE FILE 52 REREFERRED

Senator Harrington moved that Senate File 52 be rereferred to the committee on highways for the purpose of a public hearing.

The motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 265, a bill for an act relating to license fees for the operation of an employment agency, and to enact a substitute therefor.

Also: That the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 165, a bill for an act relating to the levying of a poor tax for the support of the poor.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 96, a bill for an act relating to a five mill reduction in the tax levy on real estate and/or personal property.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 235, a bill for an act to invest the Auditor of State with power to authorize treasurers of any taxing district or political subdivision in certain instances to discontinue the carrying of certain items of account on the books of his office.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 289, a bill for an act relative to provisions of bonds of certain Mutual Insurance Companies.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 157, a bill for an act relating to private banks and their examination and regulation by the superintendent of banks.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 115, a bill for an act relating to cities which control their own tax levies for bridge purposes.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 63, a bill for an act relating to memorial buildings and monuments, petitions and qualifications, and method of appointing commissioners.

Also: That the House has amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File No. 85, a bill for an act relating to the Iowa Butter Trade-mark.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENT TO SENATE FILE 85

Amend Senate File 85 by striking all after the enacting clause and substituting in lieu thereof the following:

Section 1. Sections three thousand eighty-nine (3089), three thousand ninety (3090), three thousand ninety-one* (3091), and three thousand ninety-two (3092), Code, 1931, are hereby repealed and the following is enacted in lieu thereof:

"3089-f1. Iowa Butter Control Board. There is hereby created the Iowa Butter Control Board composed of the President of the Iowa State Dairy Association, the President of the Iowa State Creamery Operators Association, the Dean of Agriculture of the Iowa State College of Agriculture and Mechanic Arts, the head of the Department of the Dairy Industry of the same institution, and the Secretary of Agriculture, which board shall see to that the requirements of the law are met on all butter manufactured in the State of Iowa for sale under the Iowa State Butter trade-mark and that the standards required by law are maintained

by all creameries desiring to be classified and known as an Iowa Trade-mark Creamery, and the board shall make rules and regulations for the enforcement of this act."

"3090-f1. Iowa Trade-mark Creameries. Any Creamery meeting the standards and requirements fixed by law shall be entitled to be classified and known as an "Iowa Trade-mark Creamery" and no other creamery shall use said name."

"3091-f1. Requirements. Any creamery desiring to be classified and known as an "Iowa Trade-mark Creamery" shall meet the requirements of the Sanitary and Dairy laws of Iowa and must comply with the Iowa State and Federal standards as to butterfat and moisture contents.

All butter sold under said trade-mark shall be manufactured from cream containing not more than two tenths of one per cent acidity, must be pasteurized in accordance with the Pasteurization laws of Iowa.

All butter sold under the Iowa Trade-mark must score at least ninety-three (93) and be inspected at frequent intervals. All scoring and inspection to be made by the Iowa Butter Control Board or its duly authorized representatives.

Whenever a creamery qualifies as an Iowa Trade-mark Creamery the Board shall issue to said creamery a certificate to that effect, which certificate shall be subject to revocation by the Board for failure to maintain the standards and requirements fixed by law.

"3092-f1. Any creamery holding the classification of an "Iowa Trade-mark Creamery" must become a member of the "Iowa Trade-mark Butter Association," which shall be a non-trading, non-profit sharing association of the creameries classified as State Trade-mark Creameries and which association shall own and regulate the use of the Iowa State Butter Trade-mark."

"3092-f2. The ownership of the Iowa State Butter Trade-mark is hereby vested and lodged in the Iowa Trade-mark Butter Association and said association may own and hold said trade-mark for the benefit of its members. The Iowa Butter Control Board shall retain all supervision and control over the manufacture and sale of all butter to be sold under said trade-mark."

"3092-f3. The Iowa State Butter Control Board shall hold regular semi-annual meetings at the Dairy Industry Building or the Iowa State College of Agriculture and Mechanic Arts in conjunction with the Executive Committee of the Iowa State Trade-mark Association, which latter body shall act as an advisory body only at said meetings."

Sec. 2. This Act is deemed of immediate importance and shall take effect from and after its publication in two newspapers of this state as provided by law."

Amend title by striking from line six (6) and seven (7) the words "and to vest title to the Iowa State" and inserting in lieu "and to create standards for its manufacture and to vest the title of said".

Senator Valentine moved that the Senate resolve itself into a committee of the whole.

The motion prevailed.

COMMITTEE OF THE WHOLE

Consideration of amendments to Senate File 1 was resumed.

By unanimous consent, on request of Senator Tripp, his amendment as found on page 450 of the Senate journal was withdrawn, which carried with it Senator Patterson's amendment as found on page 475 of the Senate journal.

By unanimous consent, on request of Senator Tripp, his amendments to sections 39, 40, 45 and 46 as found on pages 447, 448 and 449 of the Senate journal, were withdrawn.

By unanimous consent, on request of Senator Patterson, the second half of his amendment as found on page 296, on which action was deferred as shown on page 438 of the Senate journal, was withdrawn.

Senators Topping, Wenner, Reese, Tripp, Harrington, Baldwin, Wilson, Byers and Stevens of Wapello offered the following amendment and moved its adoption:

Amend by striking Section sixty-two (62) and inserting in lieu thereof the following:

"Sec. 62. Ratio and manner of distribution."

1. The revenue distributable under paragraph two (2) of section sixty (60) of this act shall be allocated to the several counties of the state in the same proportion that the total amount of general taxes levied and spread on the books on the taxable real and tangible personal property in that county bears to the total general taxes levied and spread on the books on the taxable real and tangible personal property in the state.

2. On August 1, 1934, and annually thereafter the board shall certify to the county treasurer of each county in the state the total amount of the money which has been apportioned and/or is then apportionable to that county.

3. The county treasurer shall then apply the amounts so apportioned to the relief of the several property taxpayers of that county by entering a credit against the second installment of the general tax of such taxpayer, the amount of such credit to be determined by the proportion which such taxpayer's total general taxes levied and spread on the books on taxable real and tangible personal property bears to the total general taxes levied and spread on the books on the taxable real and tangible personal property in that county. The amount of money so credited shall be distributed from said funds in the hands of the County Treasurer in the same manner as though said amounts had been paid by the taxpayer. In the event that such property taxpayer has paid his taxes in full prior to date of credit application, the county treasurer shall never-

theless enter the aforesaid credit which shall entitle such taxpayer to refund thereof.

Senator Booth offered the following amendments to the amendment as printed and moved their adoption:

Amend subsection 1 by inserting after the word "general" in lines 3 and 5 the words "and school"; also by inserting after the word "general" in lines 3, 5 and 6 the words "and school".

On motion of Senator Wilson the committee of the whole recessed until 1:30 p. m. today.

AFTERNOON SESSION

The committee of the whole reconvened at the sound of the gavel.

LEAVE OF ABSENCE

By unanimous consent, on request of Senator Hicklin, Senator Anderson was excused for the balance of the day.

By unanimous consent, on request of Senator Booth, his amendments to the amendment were withdrawn.

President pro tempore Harold L. Irwin was called to the chair at 2:44 p. m.

Senator Wenner moved to defer action on the pending amendment or any amendment of like kind, until tomorrow at 10:30 a. m.

The motion was lost.

Senator Pendray moved the previous question, which motion was lost.

Senator Harrington moved that the committee of the whole arise.

The motion was lost.

Senator Beardsley moved the previous question, which motion prevailed.

President N. G. Kraschel returned to the chair at 3:23 p. m.

Roll call was demanded.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 15.

Baldwin	Harrington	Klemme	Topping
Byers	Hicklin	Reese	Tripp
Carden	Irwin	Stevens of	Wenner
Frailey	Kimberly	Wapello	Wilson

Nays, 30.

Aschenbrenner	Elthon	McArthur	Patterson
Beardsley	Fisch	Meyer	Pendray
Beatty	Geske	Miller of	Ritchie
Booth	Hill	Buchanan	Shangle
Calhoun	Hopkins	Miller of Jones	Stanley
Chrystal	Hush	Moore	Stevens of
Coykendall	Husted	Mullaney	Decatur
Doze	Leo	Nelson	Valentine

Absent or not voting, 5.

Anderson	Knudson	Roelofs	Schmidt
Bennett			

The amendment was lost.

Senator Harrington moved that the committee of the whole arise.

The motion prevailed, and the Senate resumed regular session.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: Senate Files 157, 115 and 63.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate Files 157, 115 and 63.

HOUSE MESSAGES CONSIDERED

House File 96, a bill for an act to amend section sixty-nine hundred fifty-six (6956) code, 1931, relating to the responsibility for listing moneys and credits for tax purposes; and to amend chapter three hundred thirty (330), code, 1931, by adding a section relat-

ing to a five mill reduction in the tax levy on real estate and/or personal property.

Read first and second times and referred to committee on tax revision and reorganization.

House File 235, a bill for an act to invest the Auditor of State with power to authorize treasurers of any taxing district or political sub-division in certain instances to discontinue the carrying of certain items of account on the books of his office, and to apportion certain losses in public revenues among funds in hands of the treasurers.

Read first and second times and referred to committee on departmental affairs.

House File 289, a bill for an act amending Section nine thousand fifty-eight (9058), Code of 1931, relative to provisions of bonds of certain Mutual Insurance Companies.

Read first and second times and referred to committee on insurance.

By consent of the Senate, Hon. James E. Van Zandt, of Altoona, Pennsylvania, commander in chief of the Veterans of Foreign Wars, was asked to address the Senate Monday, January 8th, at 1:15 p. m.

The journals of December 30th and January 2d were corrected and approved.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me, as Secretary of the Senate, a proof of publication from the Daily Hawkeye Gazette, Burlington, Iowa, relating to Senate File 241, a bill for an act to legalize and validate proceedings taken by the City Council of the City of Burlington, Iowa, authorizing and providing for the issuance of Public Building Bonds of said City and making provisions for the levy of taxes to pay said bonds.

BYRON G. ALLEN, *Secretary of the Senate.*

REPORT OF CONFERENCE COMMITTEE ON HOUSE FILE 21

MR. PRESIDENT: Your Conference Committee appointed to consider the differences between the Senate and the House on House File 21, a Bill

for an Act to amend Section seventy-one hundred sixty-four (7164), Code, 1931, by repealing lines nine (9) to nineteen (19), inclusive, of said section, relating to the computation of tax rates, begs leave to report it has had the same under consideration and recommends the bill be passed in the following form:

"A bill for an act to amend Section seventy-one hundred sixty-four (7164), Code 1931, by striking lines twenty (20) to thirty-one (31), inclusive, relating to the computation of tax rates.

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

Section 1. Section seventy-one hundred sixty-four (7164), Code 1931, is amended by striking therefrom lines twenty (20) to thirty-one (31), inclusive".

Respectfully submitted,

JOHN N. CALHOUN

WM. MCARTHUR

WM. CARDEN

J. E. DOZE

On the part of the Senate.

CHARLES D. MOORE

LAMAR P. FOSTER

JOHN SPEIDEL

DEWEY E. GOODE

On the part of the House.

Passed on file.

REPORTS OF COMMITTEES

Senator Moore submitted the following report:

MR. PRESIDENT: Your committee on public health to which was referred Senate File 127, a bill for an act to amend sections of the Code relating to the practice of cosmetology, (including manicuring), and providing penalties for violation of the laws of Iowa and the rules of the Department of Health relating to cosmetology, begs leave to report it has had the same under consideration and recommends the same do pass.

MORRIS MOORE, *Chairman.*

Ordered passed on file.

Also:

Your committee on public health to which was referred Senate File 170, a bill for an act to amend the law as it appears in Section four thousand eight (4008), Code, 1931, relating to the examination of indigent persons who are candidates for admission into the hospital of the State University, and the fixing of the qualifications of such examiner, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

MORRIS MOORE, *Chairman.*

Ordered passed on file.

Also:

Your committee on public health to which was referred House File 112, a bill for an act to amend chapter one hundred ninety-nine (199), Code 1931, all relating to the treatment of indigent persons, begs leave to

report it has had the same under consideration and recommends the same do pass.

MORRIS MOORE, *Chairman.*

Ordered passed on file.

Also:

Your committee on public health to which was referred Senate File 172, a bill for an act to repeal the law as it now appears in Chapter one hundred eighteen (118), Code, 1931, and to enact a substitute therefor regulating the practice of Osteopathy and of Osteopathy and Surgery, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

MORRIS MOORE, *Chairman.*

Ordered passed on file.

AMENDMENTS FILED

Amend House File 47 in the following manner:

By inserting in line five (5) following the comma (,) which follows the word "state" the words "and all other charitable or welfare funds,".

GEO. M. HOPKINS.

Amend Senate File 1, by adding after sub-section 5, of section 9, as sub-section 6, the following:

"6. Earnings of real estate situated in Iowa and/or personal property taxed in Iowa at the same rate as real estate. For the purpose of deduction the annual earnings of such real estate and/or personal property shall be computed as being five per cent (5%) of the taxable value of such property. Provided however the deduction of earnings herein allowed shall not exceed two thousand five hundred dollars (\$2500.00) for any person in any year."

Renumber the remaining sub-sections of section nine (9).

F. M. BEATTY.

On motion of Senator Harrington, the Senate adjourned until 10:00 a. m. Thursday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 4, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Floyd Allan Bash, pastor of the Central Church of Christ, of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring old age pension bill. Senator Stevens of Decatur from George and Anna Nussbaum of Garden Grove. Judiciary No. 2.

Opposing proposed change in agricultural extension work. Senator Booth from board of directors of Shelby County Farm Bureau. Agriculture.

Opposing proposed bill prohibiting public employment of married women. Senator Reese from Shenandoah Business and Professional Women's Club. Labor.

Favoring increase of county officers' wage. Senator Stanley from county officers of Adams county. County and township affairs.

Favoring gross income tax bill. Senator Aschenbrenner from voters of Marion county. Tax revision and reorganization.

Favoring removal of limitation of alcoholic content of beer; favoring present distribution channels; and protection of existing liquor licenses. Senator Byers from wholesale distributors of beer, of Cedar Rapids. Liquor control.

HOUSE FILE 78 ON THE CALENDAR

Under rule 35, Senator Nelson called House File 78 from the committee on judiciary No. 1, and placed it on the calendar.

Senator Doze asked unanimous consent to consider Senate File 139.

Objection was raised.

Senator Doze withdrew his request.

REPORTS OF COMMITTEE

Senator Booth submitted the following reports:

MR. PRESIDENT: Your committee on highways to which was referred Senate File 176, a bill for an act to create a system of four (4) lane thirty-six (36) foot wide highways in the State of Iowa, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

CHAS. D. BOOTH, *Chairman.*

Ordered passed on file.

Also:

Your committee on highways to which was referred Senate File 174, a bill for an act to create a system of highways with rock shoulders, four (4) feet wide in the State of Iowa, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

CHAS. D. BOOTH, *Chairman.*

Ordered passed on file.

Also:

Your committee on highways to which was referred Senate File 114, a bill for an act to amend chapter 241 of the Code of Iowa, 1931, and acts amendatory thereto, relating to the financing of secondary roads and to the amount of assessments that may be levied against property for the surfacing of the county secondary road system, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

CHAS. D. BOOTH, *Chairman.*

Ordered passed on file.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 4th day of January, 1934, sent to the Governor for his approval Senate Files 157, 115 and 63.

HOMER HUSH, *Chairman.*

Passed on file.

Senator Stanley moved that the Senate resolve itself into a

committee of the whole for the purpose of continuing tax revision bills.

The motion prevailed.

COMMITTEE OF THE WHOLE

Consideration of amendments to Senate File 1 was resumed.

Senator Beatty offered the following amendment and moved its adoption:

Amend by adding after sub-section 5, of section 9, as sub-section 6, the following:

"6. Earnings of real estate situated in Iowa and/or personal property taxed in Iowa at the same rate as real estate. For the purpose of deduction the annual earnings of such real estate and/or personal property shall be computed as being five per cent (5%) of the taxable value of such property. Provided however the deduction of earnings herein allowed shall not exceed two thousand five hundred dollars (\$2500.00) for any person in any year."

Renumber the remaining sub-sections of section nine (9).

President pro tempore Harold L. Irwin was called to the chair at 10:34 a. m.

Roll call was demanded.

On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 20.

Baldwin	Carden	Kimberly	Stevens of
Beatty	Frailey	Klemme	Wapello
Bennett	Harrington	Leo	Topping
Booth	Hicklin	Moore	Tripp
Byers	Irwin	Reese	Wenner
			Wilson

Nays, 29.

Anderson	Fisch	Miller of	Roelofs
Aschenbrenner	Geske	Buchanan	Schmidt
Beardsley	Hill	Miller of Jones	Shangle
Calhoun	Hopkins	Mullaney	Stanley
Chrystal	Hush	Nelson	Stevens of
Coykendall	Husted	Patterson	Decatur
Doze	McArthur	Pendray	Valentine
Elthon	Meyer	Ritchie	

Absent or not voting, 1.

Knudson

The amendment was lost.

Senator Wilson offered the following amendment and moved its adoption:

Amend by inserting after the word "associations" in line six (6), section thirty (30) the following:

"domestic corporations operating under the provisions of Chapter 392 of the Code, 1931,".

The amendment was adopted.

Senators Stevens of Wapello, Nelson and Bennett offered the following amendment and moved its adoption:

Amend Section sixty-one (61) by adding at the end thereof, the following:

"Provided, however, that such comptroller shall not, under the provisions of this paragaph, draw any warrant to the county treasurer of any county of the State where either it or its several taxing sub-divisions have not complied with the provisions of Section 385-f1, as expressly provided in the following paragraph.

"3. That Chapter 24, Code of Iowa, 1931, be and the same is hereby amended by adding thereto, immediately following Section 384 thereof, and as Sec. 385-f1: In no event shall the total tax levy in dollars of any municipality be increased for any calendar year over the previous one by a greater percentage than the percentage increase in the assessed value of personalty and realty in such taxing subdivisions over the previous calendar year, except a tax levied for bond charges."

Senator Hicklin moved that action on the amendment be deferred.

Senator Shangle moved to recess until 1:30 p. m. today.

The motion prevailed.

AFTERNOON SESSION

The committee of the whole reconvened at the fall of the gavel.

Senator Frailey moved that the committee of the whole arise.

The motion prevailed.

By unanimous consent, on request of Senator Frailey, the order of business was returned to introduction of resolutions.

KNUDSON MEMORIAL RESOLUTION

On Tuesday, the second day of January, 1934, stark tragedy blighted the home and lives of our esteemed colleague, the Honorable Irving H. Knudson and his gracious wife.

Nothing that we can say here, nothing that we can do, can assuage their grief or sweeten the bitter cup of this ultimate bereavement that can possibly come to a mother and a father.

Those of us (and who has not?) who have trod our own Via Dolorosa, know how futile, however well it may be meant, are words of consolation; how even the heart beats of our sympathy can not penetrate the frozen despair and sorrow of personal parental grief. It is the age old sorrow and despair; the sorrow and despair of Rachel as she beat upon the inexorable door of the tomb of death weeping for her lost children and yet wept unappeased.

This is a time for heart and soul and understanding loving kindness whose fullest speech is silence.

Therefore, Be It Resolved by this Senate, That we convey to this heart-broken mother and father all that we can convey as we have tried to do here and that is our utmost sympathy. And those of us, Senator and Mrs. Knudson, who have unfaltering faith and confidence; we who have trodden our own road of sorrows as you are doing now, feel that we can only leave this thought in comfort, if comfort it may be to you, as it has been to many a one of us who have had our own Gethsemane.

So long Thy power has blessed them, sure it still will lead them on
O'er moor and fen, o'er crag and torrent, till the night is gone;
And with the morn those angel faces smile
Which we have loved long since, and lost awhile.

JOE R. FRAILEY.

E. R. HICKLIN.

GARRITT E. ROELOFS.

By unanimous consent, on request of Senator Frailey the rules were suspended and the resolution considered.

Senator Frailey moved the adoption by a rising vote.

The resolution was unanimously adopted.

Senator Frailey moved that a copy of the resolution be sent to Senator and Mrs. Irving H. Knudson and their family.

The motion prevailed.

Senator Valentine moved that the Senate resolve itself into a committee of the whole.

The motion prevailed.

COMMITTEE OF THE WHOLE

By unanimous consent on request of Senator Hicklin, his motion to defer action on the amendment by Senator Stevens of Wapello, made before recess, was withdrawn.

By unanimous consent, on request of Senator Beatty his amendment to Sec. 9 and substitute therefor, as found on page 373 of the Senate journal and upon which action was deferred as shown on page 374 of the Senate journal, was withdrawn from further consideration.

By unanimous consent, on request of Senator Nelson, action was deferred on the amendment offered by himself, Senator Stevens of Wapello, and Senator Bennett before the noon recess.

Senator Shangle offered the following amendments and moved their adoption:

Amend Division IV, by striking out all of Section 43 and renumbering the remaining sections.

Further amend Division IV, Section 51, paragraph 2 by striking from lines sixteen (16), seventeen (17) and eighteen (18) the following: "or who shall violate the provisions of section forty-three of this act, and the officers of any corporation who shall so act,".

Senator Wenner asked for a division of the question.

The President held that the division was not in order under rule 13, which cites a question may be divisible "if it comprehends propositions in substance so distinct that one being taken away, substantive propositions shall remain for the decision of the Senate."

The amendment was lost.

Senator Stanley offered the following amendment and moved its adoption:

Amend section forty-nine (49) by striking from line two (2) the words and figures "twenty-three (23)" and inserting in lieu thereof the words and figures "twenty-two (22)".

The amendment was adopted.

By unanimous consent, on request of Senator Wilson, his amendment to Sec. 40, upon which action was deferred as shown on page 430 of the Senate journal, was withdrawn, with the understanding that it would be reoffered later.

Senators Patterson, Ritchie, Hopkins, Wilson, Leo, Beardsley, Calhoun and Hush offered the following amendment and moved its adoption:

Amend section 39, by inserting in line 2 after the "," following the figures "1934" the following: "and ending June 30, 1935,".

Senator Valentine offered the following amendment to the amendment and moved its adoption:

Amend line 2 by striking the word and figures "June 30, 1935" and inserting in lieu thereof the word and figures "December 31, 1935".

The amendment to the amendment was adopted.

Roll call was demanded on the amendment.

President N. G. Kraschel returned to the chair at 3:20 p. m.

On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 31.

Anderson	Fisch	Meyer	Ritchie
Aschenbrenner	Geske	Miller of	Roelofs
Beardsley	Hill	Buchanan	Schmidt
Bennett	Hopkins	Miller of Jones	Stanley
Booth	Hush	Mullaney	Stevens of
Calhoun	Kimberly	Nelson	Decatur
Carden	Leo	Patterson	Valentine
Chrystal	McArthur	Pendray	Wilson
Elthon			

Nays, 14.

Baldwin	Hicklin	Moore	Topping
Beatty	Husted	Reese	Tripp
Frailey	Irwin	Shangle	Wenner
Harrington	Klemme		

Absent or not voting, 5.

Byers	Doze	Knudson	Stevens of
Coykendall			Wapello

The amendment as amended was adopted.

Senator Valentine moved that the committee of the whole arise.

The motion prevailed and the Senate resumed regular session.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that he had signed the following bills:

On December 27th, Senate File 221, relating to surrendering license plates on motor vehicles.

On December 30th:

Senate File 19, relating to sewer fund.

Senate File 20, relating to sewer bonds.

Senate File 24, requiring telephone companies to furnish equal service and facilities to each other without discrimination.

Senate File 71, enabling the United States to acquire state lands for National Forests.

Senate File 97, relative to the condemnation of intoxicating liquors.

Senate File 122, legalizing the action of the town council of the Town of Guttenberg, Clayton County, Iowa.

Senate File 226, enabling the State of Iowa to secure the benefit of funds allotted to this State by the Federal Government for street and highway work.

The journal of January 3d was corrected and approved.

REPORT OF COMMITTEE

Senator Stevens of Wapello submitted the following report:

MR. PRESIDENT: Your committee on reduction of public expenditures to which was referred Senate File 191, a bill for an act to meet an emergency, authorizing the County Auditor of Webster County to issue warrants to officers for salaries and expenses of their offices and to authorize such payments beyond the limits of the respective budgets and limiting the scope of Sections 5258 and 5259 of the Code of Iowa, 1931, as amended, and Chapter 264-c1 of the Code of Iowa, 1931, as amended, and providing for termination of this act, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

Amend Senate File 191 as follows: 1. Strike out sections one (1) and two (2) and in lieu thereof insert the following:

"Section 1. To meet an emergency, the board of supervisors of Webster County, Iowa, any statute of the state to the contrary notwithstanding, is hereby authorized to allow, in addition to the budget allowances for the year 1933, claims not exceeding the following respective amounts and for the following expenditures, and the County Auditor is hereby authorized to issue warrants on such additional allowed claims, to wit:

"Expenditures for carrying on the office of County Superintendent of Schools for the year 1933, one hundred dollars (\$100.00).

"Expenditures for carrying on the office of County Treasurer for the year 1933, four hundred dollars (\$400.00).

"Expenditures for carrying on the office of Clerk of the District Court for the year 1933, nine hundred dollars (\$900.00).

"Expenditures for carrying on the office of Sheriff for the year 1933, two thousand dollars (\$2000.00).

"Expenditures for carrying on the office of County Attorney for the year 1933, five hundred dollars (\$500.00).

"Expenditures for printing and stationery, four thousand dollars (\$4,000.00) for the year 1933.

"Expenditures for court house purposes for the year 1933, three thousand dollars (\$3,000.00).

"Section 2. In order to meet said emergency, the County Auditor of said County, is hereby authorized to enter upon the tax books of said County for collection in 1934, and for the general fund and in addition to that already levied in said fund for collection in 1934, an additional levy sufficient to raise approximately the sum of ten thousand nine hundred dollars (\$10,900.00)."

2. Insert in the title immediately following the word "the" in the first line of the printed title the following words to wit: "board of supervisors to allow and the".

3. Insert in the title immediately following the word "offices" in line three (3) of the printed title, following the word, to wit: "and for certain other unavoidable expenses of the County." ROY E. STEVENS, *Chairman*.

Ordered passed on file.

AMENDMENTS FILED

Amend Senate File 1, Section 9, Page 11, by striking therefrom the fifth paragraph thereof, and by substituting therefor the following:

"5. A reasonable allowance for the damage, destruction, depreciation, exhaustion, wear and tear and obsolescence of property used in the trade or business, and in the case of mines or other natural deposits and timber a reasonable allowance for depletion; provided, that in computing the allowances granted under this paragraph the basis shall be the cost of such property (including, in the case of mines and other natural deposits, the cost of development not otherwise deducted), except where the property was acquired prior to January 1, 1934, the basis shall be the cost less reasonable depreciation accrued thereon up to January 1, 1934, but in no event less than its fair market value on said date. The reasonable allowance under this paragraph shall be made under rules and regulations to be prescribed by the Board. In the case of leases the allowances granted may be equitably apportioned between the lessor and the lessee."

EDW. J. WENNER.

Amend Section 61 of Senate File 1, as follows:

Strike out all of sub-division 1 thereof, and substitute in lieu thereof the following:

"1. From and after the first day of January, 1935, no tax shall be levied or collected for the general fund of the State of Iowa, and Sections seventy one hundred eighty-two (7182) and seventy one hundred eighty-three (7183) of the 1931 Code of Iowa, are hereby repealed from and after January 1, 1935. The revenues obtained by this act, or so much thereof as are necessary, shall be first used to pay the general expenses of state government."

E. R. HICKLIN.

Amend Senate File 197 by inserting immediately preceding the period in line 8 of Section 1 thereof the following:

"but shall not include mortgages or deeds of trust securing an issue of bonds or obligations of any railroad company, the issuance of which must first be approved by the Interstate Commerce Commission."

E. R. HICKLIN.

Amend Senate File One (1), Section Sixty-two (62) by striking from lines twenty-three (23) and twenty-four (24) the following words: "by registered mail".

EDW. J. WENNER.

Amend Senate File 1, Section sixty-one (61) by adding at the end thereof the following:

"3. Provided, however, that such comptroller shall not, under the provisions of this paragraph, include in any warrant to the county treasurer any sum for the county which, in making its levies for county purposes, has not complied with the provisions of section 385-f1, hereafter expressly provided, and further provided that no county treasurer shall make any apportionment from any warrant received from the comptroller to any subtaxing district which has not complied with the provisions of section 385-f1, as expressly provided in the following paragraph.

"4. That Chapter 24, Code of Iowa, 1931, be and the same is hereby amended by adding thereto, immediately following Section 385 thereof, and as section 385-f1: 'In no event shall the total tax levy in dollars of any municipality be increased for any calendar year over the previous year by a greater percentage than the percentage increase in the assessed value of personalty and realty in such taxing subdivisions over the previous calendar year, using the taxes levied for collection in 1934 as the base for the first year's calculations, except a tax levied for bond charges, unless upon application to the State Comptroller and a showing of necessity due to emergency or special considerations applying to such district, authorization for a higher levy has been granted by the comptroller. Such authorization if granted by the comptroller shall apply only for one year.'

"Provided further that if a higher levy is hereafter granted to any taxing district by the comptroller it shall not be used in computation of the requirements of said district for the next ensuing year."

ROY E. STEVENS
FRED W. NELSON
O. P. BENNETT

On motion of Senator Stevens of Decatur the Senate adjourned until 10:00 a. m. Friday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 5, 1934.

The Senate met in regular session, called to order by the Secretary, Byron G. Allen, in the absence of the President and President pro tempore.

Prayer was offered by Rev. Henry McCraven, pastor of the A. M. E. Church of Des Moines.

On motion of Senator Stanley, Senator Wilson was selected as temporary president.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Knudson for the present week, on request of Senator Patterson.

PETITIONS AND MEMORIALS

The following petitions and memorials were presented and referred to the designated committees:

Favoring passage of old age pension bill. Senator Reese from citizens of Marshall county. Judiciary No. 2.

Endorsing Senate File 146 relative to establishing and creating Hydro Electric Power Commission. Senator Stanley from town council of Lenox. Departmental affairs.

Recommending acceptance of college property at Tabor to be used as a State Normal College. Senator Coykendall from Shendoah Chamber of Commerce. Educational institutions.

Opposing motor vehicle fuel tax. Senator Chrystal from tax payers of Carroll. Motor vehicles.

Opposing state owned liquor stores. Senator Moore from citizens of Pottawattamie county. Opposing section B, part 2 of liquor bill relating to facilities of restaurants and lunch rooms. Senator Chrystal from citizens of Breda. Liquor control.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that he had signed, on January 4th, the following bills:

Senate File 63, relating to memorial buildings and monuments, petitions and qualifications, and method of appointing commissioners.

Senate File 115, relating to cities which control their own tax levies for bridge purposes.

Senate File 157, relating to private banks and their examination and regulation.

INTRODUCTION OF BILLS

Senate File 244, by committee on judiciary No. 2, a bill for an act to legalize the proceedings relating to the issuing of bonds by the Independent School District of Corydon, in the County of Wayne, State of Iowa, and the proceedings providing for the levying of an annual tax for the payment of said bonds and declaring said bonds enforceable obligations of said School District.

Read first and second times and placed on the calendar.

Senate File 245, by committee on judiciary No. 2, a bill for an act to repeal chapter one hundred eighty-two (182), acts of the forty-fifth general assembly, and to enact a substitute therefor, relating to the appeal procedure under the workmen's compensation act.

Read first and second times and placed on the calendar.

Senate File 246, by committee on judiciary No. 2, a bill for an act to legalize the proceedings relating to the issuing of bonds by the Consolidated School District of Whiting, in the County of Monona, State of Iowa, and the proceedings providing for the levying of an annual tax for the payment of said bonds and declaring said bonds enforceable obligations of said School District.

Read first and second times and placed on the calendar.

Senate File 247, by committee on military affairs, a bill for an act to amend, revise and codify chapter twenty-eight (28), Code, 1931, relating to and constituting the military law of the state.

Read first and second times and referred to the committee on appropriations.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 271, a bill for an act to provide for the establishment of a national employment system, and making an appropriation therefor.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENTS CONSIDERED

Senator Ritchie called up for consideration Senate File No. 85, amended by the House, and moved that the Senate concur in the following amendments:

Amend by striking all after the enacting clause and substituting in lieu thereof the following:

Section 1. Sections three thousand eighty-nine (3089), three thousand ninety (3090), three thousand ninety-one (3091), and three thousand ninety-two (3092), Code, 1931, are hereby repealed and the following is enacted in lieu thereof:

"3089-f1. Iowa Butter Control Board. There is hereby created the Iowa Butter Control Board composed of the President of the Iowa State Dairy Association, the President of the Iowa State Creamery Operators Association, the Dean of Agriculture of the Iowa State College of Agriculture and Mechanic Arts, the head of the Department of the Dairy Industry of the same institution, and the Secretary of Agriculture, which board shall see to that the requirements of the law are met on all butter manufactured in the State of Iowa for sale under the Iowa Butter trade-mark and that the standards required by law are maintained by all creameries desiring to be classified and known as an Iowa Trade-mark Creamery, and the board shall make rules and regulations for the enforcement of this act."

"3090-f1. Iowa Trade-mark Creameries. Any Creamery meeting the standards and requirements fixed by law shall be entitled to be classified and known as an "Iowa Trade-mark Creamery" and no other creamery shall use said name."

"3091-f1. Requirements. Any creamery desiring to be classified and known as an "Iowa Trade-mark Creamery" shall meet the requirements of the Sanitary and Dairy laws of Iowa and must comply with the Iowa State and Federal standards as to butterfat and moisture contents.

All butter sold under said trade-mark shall be manufactured from cream containing not more than two tenths of one per cent acidity, must be pasteurized in accordance with the Pasteurization laws of Iowa.

All butter sold under the Iowa Trade-mark must score at least ninety-three (93) and be inspected at frequent intervals. All scoring and in-

spection to be made by the Iowa Butter Control Board or its duly authorized representatives.

Whenever a creamery qualifies as an Iowa Trade-mark Creamery the Board shall issue to said creamery a certificate to that effect, which certificate shall be subject to revocation by the Board for failure to maintain the standards and requirements fixed by law.

"3092-f1. Any creamery holding the classification of an "Iowa Trade-mark Creamery" must become a member of the "Iowa Trade-mark Butter Association," which shall be a non-trading, non-profit sharing association of the creameries classified as State Trade-mark Creameries and which association shall own and regulate the use of the Iowa State Butter Trade-mark."

"3092-f2. The ownership of the Iowa State Butter Trade-mark is hereby vested and lodged in the Iowa Trade-mark Butter Association and said association may own and hold said trade-mark for the benefit of its members. The Iowa Butter Control Board shall retain all supervision and control over the manufacture and sale of all butter to be sold under said trade-mark."

"3092-f3. The Iowa State Butter Control Board shall hold regular semi-annual meetings at the Dairy Industry Building or the Iowa State College of Agriculture and Mechanic Arts in conjunction with the Executive Committee of the Iowa State Trade-mark Association, which latter body shall act as an advisory body only at said meetings."

Sec. 2. This Act is deemed of immediate importance and shall take effect from and after its publication in two newspapers of this state as provided by law."

Amend title by striking from line six (6) and seven (7) the words "and to vest title to the Iowa State" and inserting in lieu "and to create standards for its manufacture and to vest the title of said."

On the question "Shall the Senate concur?" the vote was:

Ayes, none.

Nays, 42.

Anderson	Fisch	Meyer	Roelofs
Aschenbrenner	Frailley	Miller of	Schmidt
Baldwin	Geske	Buchanan	Shangle
Beardsley	Harrington	Miller of Jones	Stanley
Beatty	Hill	Moore	Stevens of
Booth	Hopkins	Mullaney	Decatur
Byers	Hush	Nelson	Stevens of
Calhoun	Husted	Patterson	Wapello
Carden	Kimberly	Pendray	Topping
Coykendall	Klemme	Reese	Wenner
Doze	Leo	Ritchie	Wilson
Elthon			

Absent or not voting, 8.

Bennett	Hicklin	Knudson	Tripp
Chrystal	Irwin	McArthur	Valentine

The House amendment having failed to receive a constitutional

majority was declared to have failed to be adopted and concurred in by the Senate.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which the Senate refused to concur in House amendments to Senate File 85.

FRED W. NELSON.

RECONSIDERATION OF HOUSE FILE 115

Senator Roelofs called up the motion previously filed by Senator Schmidt to reconsider the vote by which House File 115 failed to pass the Senate.

On the question "Shall the motion to reconsider prevail?" the vote was:

Ayes, 31.

Anderson	Geske	Leo	Reese
Aschenbrenner	Harrington	Meyer	Roelofs
Bennett	Hicklin	Miller of	Schmidt
Booth	Hill	Buchanan	Stevens of
Byers	Hopkins	Mullaney	Decatur
Doze	Hush	Nelson	Topping
Elthon	Kimberly	Patterson	Valentine
Fisch	Klemme	Pendray	Wilson
Frailey			

Nays, 10.

Beatty	Coykendall	Ritchie	Stanley
Calhoun	Husted	Shangle	Wenner
Carden	Miller of Jones		

Absent or not voting, 9.

Baldwin	Irwin	McArthur	Stevens of
Beardsley	Knudson	Moore	Wapello
Chrystal			Tripp

The motion to reconsider prevailed.

Senator Beardsley raised the point of order that the bill was not up for discussion, as it had passed its third reading.

The President held the point of order well taken.

By unanimous consent on request of Senator Hill, the vote by which the bill went to its third reading was reconsidered.

Senator Schmidt moved the previous question, which motion prevailed.

Senator Roelofs moved that the bill be read a third time, which motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?" the vote was:

Ayes, 31.

Anderson	Doze	Klemme	Pendray
Aschenbrenner	Elthon	Leo	Roelofs
Baldwin	Fisch	Meyer	Schmidt
Beardsley	Geske	Miller of	Stevens of
Bennett	Harrington	Buchanan	Decatur
Booth	Hill	Moore	Topping
Byers	Hopkins	Mullaney	Valentine
Carden	Kimberly	Nelson	Wilson
Chrystal			

Nays, 11.

Calhoun	Miller of Jones	Shangle	Tripp
Coykendall	Ritchie	Stevens of	Wenner
Hush	Stanley	Wapello	
Husted			

Absent or not voting, 8.

Beatty	Hicklin	Knudson	Patterson
Frailey	Irwin	McArthur	Reese

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Topping, Senate File No. 241, a bill for an act to legalize and validate proceedings taken by the City Council of the City of Burlington, Iowa, authorizing and providing for the issuance of Public Building Bonds of said City and making provisions for the levy of taxes to pay said bonds, a judiciary No. 2 committee bill, was taken up and considered.

The bill was read for information.

Senator Topping moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 42.

Anderson	Calhoun	Fisch	Hopkins
Baldwin	Carden	Frailey	Hush
Beardsley	Chrystal	Geske	Husted
Bennett	Coykendall	Harrington	Kimberly
Booth	Doze	Hicklin	Klemme
Byers	Elthon	Hill	Meyer

Miller of Buchanan	Patterson Pendray	Shangle Stevens of Decatur	Topping Tripp Valentine
Miller of Jones	Ritchie	Stevens of	Wenner
Moore	Roelofs	Wapello	Wilson
Mullaney	Schmidt		
Nelson			

Nays, none.

Absent or not voting, 8.

Aschenbrenner	Irwin	Leo	Reese
Beatty	Knudson	McArthur	Stanley

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Topping moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

On request of Senator Topping, unanimous consent was granted to message the bill to the House immediately.

President N. G. Kraschel took the chair at 11:11 a. m.

By unanimous consent, on motion of Senator Fisch, House File No. 75, a bill for an act to make permanent a temporary transfer made June 12, 1933, by authority of the Director of the Budget for Iowa, of twenty-five thousand dollars (\$25,000.00) from the maintenance fund of Cherokee County, Iowa, to the poor fund of said county, with report of committee returning the bill without recommendation, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Fisch moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 29.

Anderson	Fisch	Leo	Roelofs
Aschenbrenner	Geske	Meyer	Schmidt
Bennett	Harrington	Miller of	Stevens of
Byers	Hicklin	Buchanan	Decatur
Carden	Hill	Moore	Topping
Chrystal	Hopkins	Mullaney	Valentine
Doze	Kimberly	Pendray	Wilson
Elthon	Klemme	Reese	

Nays, 14.

Beardsley	Coykendall	Ritchie	Stevens of
Beatty	Hush	Shangle	Wapello
Booth	Husted	Stanley	Tripp
Calhoun	Miller of Jones		Wenner

Absent or not voting, 7.

Baldwin	Irwin	McArthur	Patterson
Fraily	Knudson	Nelson	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Anderson Senate File No. 191, a bill for an act to meet an emergency, authorizing the County Auditor of Webster County to issue warrants to officers for salaries and expenses of their offices and to authorize such payments beyond the limits of the respective budgets and limiting the scope of Sections 5258 and 5259 of the Code of Iowa, 1931, as amended, and Chapter 264-c1 of the Code of Iowa, 1931, as amended, and providing for termination of this act, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The following committee amendments were adopted:

1. Strike out sections one (1) and two (2) and in lieu thereof insert the following:

"Section 1. To meet an emergency, the board of supervisors of Webster County, Iowa, any statute of the state to the contrary notwithstanding, is hereby authorized to allow, in addition to the budget allowances for the year 1933, claims not exceeding the following respective amounts and for the following expenditures, and the County Auditor is hereby authorized to issue warrants on such additional allowed claims, to wit:

"Expenditures for carrying on the office of County Superintendent of Schools for the year 1933, one hundred dollars (\$100.00).

"Expenditures for carrying on the office of County Treasurer for the year 1933, four hundred dollars (\$400.00).

"Expenditures for carrying on the office of Clerk of the District Court for the year 1933, nine hundred dollars (\$900.00).

"Expenditures for carrying on the office of Sheriff for the year 1933, two thousand dollars (\$2000.00).

"Expenditures for carrying on the office of County Attorney for the year 1933, five hundred dollars (\$500.00).

"Expenditures for printing and stationery, four thousand dollars (\$4,000.00) for the year 1933.

"Expenditures for court house purposes for the year 1933, three thousand dollars (\$3,000.00).

"Section 2. In order to meet said emergency, the County Auditor of said County, is hereby authorized to enter upon the tax books of said

County for collection in 1934, and for the general fund and in addition to that already levied in said fund for collection in 1934, an additional levy sufficient to raise approximately the sum of ten thousand nine hundred dollars (\$10,900.00)."

2. Insert in the title immediately following the word "the" in the first line of the printed title the following words to wit: "board of supervisors to allow and the".

3. Insert in the title immediately following the word "offices" in line three (3) of the printed title, following the word, to wit: "and for certain other unavoidable expenses of the County."

The bill was read for information.

Senator Anderson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Anderson	Fisch	Leo	Stanley
Aschenbrenner	Frailey	Meyer	Stevens of
Baldwin	Geske	Miller of	Decatur
Beardsley	Harrington	Buchanan	Stevens of
Bennett	Hicklin	Miller of Jones	Wapello
Booth	Hill	Mullaney	Topping
Byers	Hopkins	Patterson	Tripp
Calhoun	Hush	Pendray	Valentine
Chrystal	Husted	Reese	Wenner
Coykendall	Kimberly	Ritchie	Wilson
Elthon	Klemme	Schmidt	

Nays, 1.

Shangle

Absent or not voting, 9.

Beatty	Irwin	McArthur	Nelson
Carden	Knudson	Moore	Roelofs
Doze			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Anderson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Fisch Senate File 242, a bill for an act to amend chapter eighty-six (86), code of Iowa, 1931, by amending section seventeen hundred four (1704), section seventeen hundred forty-five (1745), and section seventeen hundred ninety-four (1794), all relating to the propagation and protection of fish, game, wild birds, and animals, a fish and game committee bill, was taken up and considered.

Senator Bennett offered the following amendment and moved its adoption:

Amend by inserting after the word "misdemeanor" in line 8 of Section 1 the words "and upon conviction therefor shall be fined not exceeding one hundred dollars or be imprisoned in the county jail not exceeding thirty days, or both such fine and imprisonment".

The amendment was adopted.

Senator Booth offered the following amendment and moved its adoption:

Amend by striking the word "and" following the word "undesirable" in line 5 of section 2 and inserting in lieu thereof the word "or".

The amendment was adopted.

Senator Wenner offered the following amendment and moved its adoption:

Amend by striking from lines 6 and 7 of Section 1 the words "and/or by the regulation provided by the state fish and game commission".

Action was deferred.

REPORTS OF COMMITTEES

Senator Leo submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred Senate File 219, a bill for an act to amend Chapter six hundred sixteen-D one (616-D1) Code, 1931, relating to the Police Radio Broadcasting System and to provide an appropriation therefor, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 42, a bill for an act to provide for the protection, welfare and assistance of aged persons in need and resident in the State of Iowa, providing the method therefor, making an appropriation therefor and prescribing penalties for the violation of the provisions of this act, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Senator Frailey submitted the following report:

MR. PRESIDENT: Your committee on judiciary No. 1 to which was referred Senate File 44, a bill for an act providing the method of preparing

bills, and providing the manner of printing the same, begs leave to report it has had the same under consideration and returns the bill without recommendation.

J. R. FRAILEY, *Chairman.*

Ordered passed on file.

Also :

Your committee on judiciary No. 1 to which was referred Senate File 108, a bill for an act to amend chapter thirty-seven (37), Acts Forty-fifth (45th) General Assembly, relating to the sale of beer, and to prohibit the sale of beer after March first (1st), 1934, unless sixty-six and two thirds per cent (66 2/3%) or more of the grain used in its manufacture consists of barley malt, begs leave to report it has had the same under consideration and recommends the same do pass.

J. R. FRAILEY, *Chairman.*

Ordered passed on file.

Also :

Your committee on judiciary No. 1 to which was referred Senate File 113, a bill for an act to amend Subsection one (1) of Section eleven thousand eight hundred thirty-two (11832) of the Code of Iowa, 1931, relating to the probate powers of the Clerk of the District Court, begs leave to report it has had the same under consideration and recommends the same do pass.

J. R. FRAILEY, *Chairman.*

Ordered passed on file.

Also :

Your committee on judiciary No. 1 to which was referred Senate File 123, a bill for an act to legalize the corporate existence of the Modern Woodmen Commercial Club of Bryant Camp No. 4318, of Bryant, Iowa, begs leave to report it has had the same under consideration and recommends the same do pass.

J. R. FRAILEY, *Chairman.*

Ordered passed on file.

Also :

Your committee on judiciary No. 1 to which was referred Senate File 124, a bill for an act to amend Chapter Thirty-seven (37) of the Laws of the Forty-fifth General Assembly, relating to non-intoxicating liquors, beer, and other malt liquors, begs leave to report it has had the same under consideration and recommends the same do pass.

J. R. FRAILEY, *Chairman.*

Ordered passed on file.

Also :

Your committee on judiciary No. 1 to which was referred House File 5, a bill for an act to amend chapter four hundred ninety-six (496), Code 1931, to provide for the entering of judgment notwithstanding the verdict

in certain cases and to prescribe the practice in such cases upon review by the Supreme Court, and to repeal all acts and parts of acts inconsistent with the provisions of this act, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

J. R. FRAILEY, *Chairman.*

Ordered passed on file.

HOUSE MESSAGE CONSIDERED

House File 271, a bill for an act to provide for the establishment of a national employment system, and making an appropriation therefor.

Read first and second times and referred to committee on labor.

AMENDMENTS FILED

Amend Senate File 15 by striking lines twelve (12) to seventeen (17), inclusive, in section one (1) and inserting in lieu thereof the following:

"In cities and towns having a population of six thousand but not exceeding sixty-five thousand, not less than fifty thousand dollars.

"In cities and towns having a population over sixty-five thousand, not less than one hundred thousand dollars." PAUL W. SCHMIDT.

Amend House File 47 by inserting in line eight (8), Section one (1), following the word "funds" the words "and all charitable or welfare funds which shall have been deposited therein," GEO. M. HOPKINS.

The journal of January 4th was corrected and approved.

Senator Topping moved that the Senate adjourn until 10:00 a. m. Saturday.

Senator Coykendall moved to amend by making the time 9:00 a. m. The amendment was lost.

The motion by Senator Topping prevailed and the Senate adjourned until 10:00 a. m. Saturday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 6, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by the Rev. Stacy L. Shenton, pastor of the First Brethren Church of Des Moines.

LEAVE OF ABSENCE

By unanimous consent, on request of Senator Geske, all absent Senators were excused for the day.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring old age pension bill. Senator Wilson from inmates of Polk County Farm. Judiciary No. 2.

Asking relief from taxes on public utility companies. Senator Schmidt from Town Council of Coralville. Tax revision and reorganization.

Favoring increase in county officers' wages. Senator Stevens of Decatur from county officers of Ringgold county. County and township affairs.

Favoring the Fire Insurance Premium Bill. Senator Fisch from citizens of Cherokee county. Insurance.

Opposing House File 180 relating to county farm bureau. Senator Reese from Marshall County Farm Bureau. County and township affairs.

Favoring the sale of liquor in clubs. Senator Wenner from officers of Elks, Eagles and Moose of Waterloo. Liquor control.

Due to the absence of several Senators, noncontroversial bills were taken up and considered.

CONSIDERATION OF SENATE FILE 242 RESUMED

Action having been deferred on the Wenner amendment as shown on page 566 of the Senate journal, Senator Fisch moved the adoption of the amendment.

The amendment was adopted.

Senator Fisch moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?" the vote was:

Ayes, 30.

Beardsley	Hopkins	Miller of	Schmidt
Byers	Hush	Buchanan	Shangle
Chrystal	Husted	Miller of Jones	Stanley
Doze	Irwin	Mullaney	Stevens of
Elthon	Klemme	Patterson	Decatur
Fisch	Leo	Pendray	Topping
Geske	McArthur	Reese	Tripp
Hill	Meyer	Ritchie	Wilson

Nays, none.

Absent or not voting, 20.

Anderson	Calhoun	Hicklin	Roelofs
Aschenbrenner	Carden	Kimberly	Stevens of
Baldwin	Coykendall	Knudson	Wapello
Beatty	Frailey	Moore	Valentine
Bennett	Harrington	Nelson	Wenner
Booth			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Fisch moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Chrystal Senate File No. 234, a bill for an act to legalize and validate proceedings taken by the Town Council of the Town of Lake View, Iowa, authorizing and providing for the issuance of Town Hall Bonds and making provisions for the levy of taxes to pay said bonds, a cities and towns committee bill, was taken up, and considered.

The bill was read for information.

Senator Chrystal moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 30.

Beardsley	Hill	Miller of	Schmidt
Byers	Hopkins	Buchanan	Shangle
Chrystal	Hush	Miller of Jones	Stanley
Coykendall	Irwin	Mullaney	Stevens of
Elthon	Kimberly	Nelson	Decatur
Fisch	Klemme	Patterson	Topping
Geske	Leo	Pendray	Tripp
Harrington	Meyer	Ritchie	Wilson

Nays, none.

Absent or not voting, 20.

Anderson	Calhoun	Husted	Roelofs
Aschenbrenner	Carden	Knudson	Stevens of
Baldwin	Doze	McArthur	Wapello
Beatty	Frailey	Moore	Valentine
Bennett	Hicklin	Reese	Wenner
Booth			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Chrystal moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Irwin Senate File No. 123, a bill for an act to legalize the corporate existence of the Modern Woodmen Commercial Club of Bryant Camp No. 4318, of Bryant, Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Irwin offered the following amendment and moved its adoption:

Amend the preamble by striking from line 7 the word "calling" and inserting in lieu thereof the word "called".

The amendment was adopted.

The bill was read for information.

Senator Irwin moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 34.

Baldwin	Coykendall	Harrington	Husted
Beardsley	Doze	Hill	Irwin
Byers	Elthon	Hopkins	Kimberly
Chrystal	Fisch	Hush	Klemme

Leo	Mullaney	Roelofs	Topping
Meyer	Nelson	Schmidt	Tripp
Miller of	Patterson	Shangle	Valentine
Buchanan	Pendray	Stanley	Wilson
Miller of Jones	Ritchie	Stevens of	
		Decatur	

Nays, none.

Absent or not voting, 16.

Anderson	Calhoun	Hicklin	Reese
Aschenbrenner	Carden	Knudson	Stevens of
Beatty	Frailey	McArthur	Wapello
Bennett	Geske	Moore	Wenner
Booth			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Irwin moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

SENATE FILE 64 WITHDRAWN

By unanimous consent, on request of Senator Mullaney, Senate File 64 was withdrawn from further consideration.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 297, a bill for an act to legalize the corporate acts and proceedings of the Benton County Agricultural Society of Benton County, Iowa, and the provisions thereof. VIRGIL LEKIN, *Chief Clerk.*

HOUSE MESSAGES CONSIDERED

House File No. 297, a bill for an act to legalize the corporate acts and proceedings of the Benton County Agricultural Society of Benton County, Iowa, and to provide for the reincorporation and extension of the period of corporate existence and the adoption of reincorporation articles of incorporation of said Benton County Agricultural Society of Benton County, Iowa.

Read first and second times and referred to committee on judiciary No. 2.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me as Secretary of the Senate, a proof of publication from the Cedar Valley Daily Times, a daily newspaper published at Vinton, Benton county, Iowa, relating to House File 297, a bill for an act to legalize the corporate acts and proceedings of the Benton County Agricultural Society of Benton county, Iowa.

BYRON G. ALLEN, *Secretary of the Senate.*

Senator Hicklin moved that the Senate set 12 o'clock noon as the regular hour of convening, and that the forenoon be reserved for committee work.

Senator Beardsley moved to defer action on the motion and to proceed with bills on the calendar.

Senator Hicklin withdrew his motion by unanimous consent.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Tripp Senate File No. 104, a bill for an act to amend section seventy-one hundred eighty-eight (7188), Code, 1931, relating to the collection of taxes, placed on the calendar under rule 35, was taken up and considered.

Senator Tripp offered the following amendment and moved its adoption:

Amend by adding as publication clause the following:

"Sec. 2. This act, being deemed of immediate importance, shall be in full force and effect from and after its publication in the Adams County Free Press, a newspaper published at Corning, Iowa, and in the Jasper County Mirror, a newspaper published at Monroe, Iowa."

The amendment was adopted.

The bill was read for information.

Senator Tripp moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 33.

Beardsley	Harrington	Klemme	Ritchie
Byers	Hicklin	McArthur	Roelofs
Chrystal	Hill	Meyer	Schmidt
Coykendall	Hopkins	Miller of Jones	Shangle
Doze	Hush	Mullaney	Stanley
Elthon	Husted	Nelson	Stevens of
Fisch	Irwin	Patterson	Decatur
Frailey	Kimberly	Pendray	Topping
Geske			Tripp

Nays, 1.

Wilson

Absent or not voting, 16.

Anderson	Booth	Miller of	Stevens of
Aschenbrenner	Calhoun	Buchanan	Wapello
Baldwin	Carden	Moore	Valentine
Beatty	Knudson	Reese	Wenner
Bennett	Leo		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Tripp moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

MOTION TO TAKE FROM THE TABLE

MR. PRESIDENT: I move to take from the table the motion to reconsider the vote by which Senate File 104 passed the Senate.

G. W. PATTERSON.

Senator Shangle moved that beginning Monday, January 8th, there be put on the Senate a permanent call and that the calendar in its regular order be made a special order for each day. Any bills on the calendar that are not acted upon in their order, to be indefinitely postponed.

Senator Beardsley raised the point of order that a call has to be prepared and signed by thirteen members of the Senate.

Senator Shangle withdrew his motion by unanimous consent.

SENATE FILES 121, 204 AND 161 WITHDRAWN

By unanimous consent, on request of Senators Tripp, McArthur and Baldwin, Senate Files 121, 204 and 161 were withdrawn from further consideration.

CALL OF THE SENATE

MR. PRESIDENT: We, the undersigned Senators, request a call of the Senate for the legislative day of January 8, 1934:

J. E. DOZE	CLAUDE STANLEY
G. E. ROELOFS	FRANK I. COYKENDALL
GEO. A. WILSON	GEO. M. HOPKINS
FRANK M. STEVENS	L. H. MEYER
LAFE HILL	M. X. GESKE
ORA E. HUSTED	I. G. CHRYSTAL

W. F. MILLER
J. R. FRAILEY
FRANK C. BYERS
L. T. SHANGLE
CAROLYN C. PENDRAY
WM. H. KLEMME
MIKE G. FISCH
D. MYRON TRIPP

CLYDE H. TOPPING
E. R. HICKLIN
H. D. MILLER
T. W. MULLANEY
H. L. IRWIN
H. C. BALDWIN
WM. S. BEARDSLEY

REPORTS OF COMMITTEES

Senator Geske submitted the following report:

MR. PRESIDENT: Your committee on emergency legislation to which was referred Senate File 125, a bill for an act providing for the compromise of taxes on real estate for the year 1932 and/or any prior year or years, and providing for redemption from tax sales thereof and repealing all acts or parts of acts in conflict herewith and declaring an emergency, begs leave to report it has had the same under consideration and recommends the same do pass.

M. X. GESKE, *Chairman.*

Ordered passed on file.

Also:

Your committee on emergency legislation to which was referred Senate File 163, a bill for an act to suspend section seventy-two hundred seventy-nine (7279), Code, 1931, relating to expiration of right of redemption of real estate sold for taxes, begs leave to report it has had the same under consideration and recommends the same do pass.

M. X. GESKE, *Chairman.*

Ordered passed on file.

Senator Hicklin submitted the following report:

MR. PRESIDENT: Your committee on judiciary No. 2 to which was referred Senate File 151, a bill for an act providing for payment of costs in proceedings brought against a peace officer, begs leave to report it has had the same under consideration and recommends the same do pass.

E. R. HICKLIN, *Chairman.*

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred Senate File 178, a bill for an act to authorize and direct the Governor of the State of Iowa to execute and deliver to Lloyd Martin and Edith M. Martin, his wife a patent to the following described Real Estate, to-wit: The Northwest one-quarter (NW $\frac{1}{4}$) of the Southeast one-quarter (SE $\frac{1}{4}$) of Section Eight (8), Township sixty-eight (68), Range Forty-two (42), West of the fifth P. M., situated in Fremont County, Iowa, begs leave to report it has had the same under consideration and recommends the same do pass.

E. R. HICKLIN, *Chairman.*

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred Senate File 188, a bill for an act to amend the law as the same appears in Chapters Seventy (70), seventy-one (71) and seventy-two (72) of the Code, 1931, relating to workmen's compensation, and to provide insurance for the payments to injured workmen, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

E. R. HICKLIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred Senate File 204, a bill for an act to amend Section ten thousand six hundred thirty-nine (10639) Code, 1931, relating to compensation of police judges, begs leave to report it has had the same under consideration and recommends the same do pass.

E. R. HICKLIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred House File 16, a bill for an act to amend section forty-nine hundred ninety-five (4995), Code, 1931, as to give traffic on duly designated boulevard or arterial highways the right of way over traffic on intersecting streets and highways, provided "Stop, Boulevard" signs are maintained on said intersecting streets and highways, begs leave to report it has had the same under consideration and recommends the same do pass.

E. R. HICKLIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred House File 25, a bill for an act to amend sections eleven thousand six hundred eleven (11611) and eleven thousand six hundred twelve (11612), Code, 1931, relating to the filing of motions and hearing thereon in proceedings for judgments on motion, begs leave to report it has had the same under consideration and returns the bill without recommendation.

E. R. HICKLIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred House File 116, a bill for an act to make permanent the temporary transfer, made December 28, 1932, of money from the secondary road trunk construction fund to the General fund of Harrison County, Iowa, begs leave to report it has had the same under consideration and recommends the same do pass.

E. R. HICKLIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred House File 118, a bill for an act to make permanent the transfers of county funds in Butler County to the poor fund from the maintenance fund, where said transfers were originally made with the approval of the Director of the Budget, begs leave to report it has had the same under consideration and returns the bill without recommendation. E. R. HICKLIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred House File 125, a bill for an act to make permanent a temporary transfer of funds, made June 5, 1933, by authority of the Director of the Budget, of fifty thousand and no/100 dollars (\$50,000.00) from the Road Maintenance Fund of Wright County, Iowa, to the Poor Fund of said county, begs leave to report it has had the same under consideration and returns the bill without recommendation. E. R. HICKLIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred House File 127, a bill for an act to legalize certain tax deeds issued without compliance with the requirement of section seven thousand two hundred eighty-three (7283) of the Code, 1931, and corresponding sections of earlier codes, relating to collections of costs of serving notice, begs leave to report it has had the same under consideration and recommends the same do pass. E. R. HICKLIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred House File 188, a bill for an act to make permanent the transfer of Ten Thousand Dollars (\$10,000.00), from the Bovine Tubercular Eradication Fund, in Hancock County, to the Poor Fund of said County, said Fund having been originally made with the approval of the Director of the Budget, November 23rd, 1932, begs leave to report it has had the same under consideration and returns the bill without recommendation.

E. R. HICKLIN, *Chairman*.

Ordered passed on file.

Senator Pendray submitted the following report:

MR. PRESIDENT: Your committee on public schools to which was referred House File 34, a bill for an act to amend section eleven hundred sixty-six (1166), Code, 1931, relating to nepotism, begs leave to report it has had the same under consideration and returns the bill without recommendation. CAROLYN C. PENDRAY, *Chairman*.

Ordered passed on file.

AMENDMENTS FILED

Amend Senate File 85, as amended and passed by the House, by inserting after the word "inspection", in line thirty-three (33), section one (1), the word "is".

Further amend by striking the word "or" in line fifty-three (53) of section one (1), and inserting the word "of".

Further amend by striking the word "to" from line eleven (11) of section one (1).

Further amend by striking from section one (1), the code section numbers as they appear in lines five (5), eighteen (18), twenty-two (22), forty (40), forty-six (46) and fifty-two (52).

Further amend by striking the word "trade-mark" where it appears in lines thirteen (13), eighteen (18), twenty (20), twenty-three (23), twenty-seven (27), thirty-one (31), thirty-five (35), forty-one (41), forty-five (45), forty-six (46), forty-seven (47), forty-eight (48), and fifty-one (51), and inserting in lieu thereof the word "trademark".

Further amend by striking from line twenty-nine (29) of section one (1), the words "acidity, must be" and inserting in lieu thereof the words "acidity and shall have been".

Further amend by striking the word "State" where it appears the second time in line thirteen (13) of section one (1).

Further amend by striking the word "State" in line forty-three (43) of section one (1), and insert in lieu thereof the word "Iowa".

Further amend by striking the word "State" in lines forty-five (45), forty-six (46), fifty-two (52) and fifty-five (55).

Further amend by adding thereto as Section two (2) the following:

"Sec. 2. Section three thousand eighty-eight (3088), line one (1), is amended by striking the word "state" and inserting in lieu thereof the word "Iowa".

Further amend by renumbering section two (2) as section three (3).

Further amend by striking the title and inserting in lieu thereof the following:

"An act to amend section three thousand eighty-eight (3088), and to repeal sections three thousand eighty-nine (3089), three thousand ninety (3090), three thousand ninety-one (3091), and three thousand ninety-two (3092), Code, 1931, and to enact substitutes therefor, relating to the Iowa Butter Trademark; and to create the Iowa Butter Control Board, to define its powers and duties, and to create standards for the manufacture of Iowa Trademark Butter and to vest the title of said Iowa Butter Trademark in the Iowa Trademark Butter Association."

FRED W. NELSON.

The journal of January 5th was corrected and approved.

On motion of Senator Klemme, the Senate adjourned until Monday, January 8th, at 10:00 a. m.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 8, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. C. E. Lookingbill, a member of the House of Representatives.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Opposing McArthur bill relating to farm aid associations. Senator Wenner from Grundy County Farm Bureau. County and township affairs.

Asking exception, under liquor control, of existing state retail medicinal liquor permits. Senator Schmidt from O. L. Creswell of Williamsburg. Liquor control.

Asking aid of General Fund for maintenance of graves of soldiers, sailors and marines in Boone county. Senator Stanley from American Legion and Auxiliary, LaMons Post, and Soldiers' Relief Commission of Boone county. Military affairs.

Opposing Senate File 43. Favoring Senate Files 188 and 190. Senator Valentine from members of Local Union 875, United Mine Workers of America. Judiciary No. 2.

Opposing tax on fraternal insurance societies. Senator Schmidt from Oscar Kampoath, Secretary, Homestead. Tax revision and reorganization.

Opposing retail sales tax. Senator Valentine from Retail Merchants Association of Bloomfield. Tax revision and reorganization.

Opposing certain mandatory tax levies. Senator Roelofs from members of Farmers Holiday Association of Osceola county. Tax revision and reorganization.

Opposing the Eldridge and the Emmet form of lease. Senator Roelofs from members of Farmers Holiday Association of Osceola county. Emergency legislation.

Favoring uniform textbook law. Senator Roelofs from members of Farmers Holiday Association of Osceola county. Public schools.

Favoring Senator Moore's amendment to Senate File 81, relative to treatment of indigent sick. Senator Schmidt from Drs. Watts and Sternagel of Williamsburg. Public health.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me as Secretary of the Senate, a proof of publication from the Elk Horn-Kimballton Review, Elk Horn, Shelby county; and The Advocate-Republican, Audubon, Audubon county, Iowa, relating to House File 114, a bill for an act to make permanent a temporary transfer from the Secondary Road Construction Fund of Audubon County to the County Poor Fund of said county.

BYRON G. ALLEN, *Secretary of the Senate.*

There being a call of the Senate on file, roll call revealed the presence of all Senators except Senators Beatty, Knudson and Topping.

By unanimous consent, on request of Senator Wilson Senator Knudson was excused from the call.

By unanimous consent, on request of Senator Nelson, Senators Beatty and Topping were excused temporarily.

MOTION TO RECONSIDER HOUSE AMENDMENTS TO SENATE FILE 85

Senator Nelson called up for consideration his motion to reconsider the vote by which the Senate refused to concur in House amendments to Senate File 85, as found on page 561 of the Senate journal and moved its adoption.

On the question, "Shall the motion prevail?" the vote was:

Ayes, 43.

Aschenbrenner	Carden	Geske	Irwin
Baldwin	Coykendall	Harrington	Kimberly
Bennett	Doze	Hicklin	Klemme
Booth	Ethon	Hill	Leo
Byers	Fisch	Hush	McArthur
Calhoun	Frailey	Husted	Meyer

Miller of Buchanan	Patterson Pendray	Schmidt Shangle	Stevens of Wapello
Miller of Jones	Reese	Stanley	Tripp
Moore	Ritchie	Stevens of	Valentine
Mullaney	Roelofs	Decatur	Wenner
Nelson			Wilson

Nays, none.

Absent or not voting, 7.

Anderson	Beatty	Hopkins	Topping
Beardsley	Chrystal	Knudson	

The motion to reconsider prevailed.

SENATE FILE 85 RECONSIDERED

Senator Nelson offered the following amendments to the House amendments to Senate File 85 as found on page 539 of the Senate journal and moved their adoption.

Amend Senate File 85, as amended and passed by the House, by inserting after the word "inspection", in line thirty-three (33), section one (1), the word "is".

Further amend by striking the word "or" in line fifty-three (53) of section one (1), and inserting the word "of".

Further amend by striking the word "to" from line eleven (11) of section one (1).

Further amend by striking from section one (1), the code section numbers as they appear in lines five (5), eighteen (18), twenty-two (22), forty (40), forty-six (46) and fifty-two (52).

Further amend by striking the word "trade-mark" where it appears in lines thirteen (13), eighteen (18), twenty (20), twenty-three (23), twenty-seven (27), thirty-one (31), thirty-five (35), forty-one (41), forty-five (45), forty-six (46), forty-seven (47), forty-eight (48) and fifty-one (51), and inserting in lieu thereof the word "trademark".

Further amend by striking from line twenty-nine (29) of section one (1), the words "acidity, must be" and inserting in lieu thereof the words "acidity and shall have been".

Further amend by striking the word "State" where it appears the second time in line thirteen (13) of section one (1).

Further amend by striking the word "State" in line forty-three (43) of section one (1), and insert in lieu thereof the word "Iowa".

Further amend by striking the word "State" in lines forty-five (45), forty-six (46), fifty-two (52) and fifty-five (55).

Further amend by adding thereto as Section two (2) the following:

"Sec. 2. Section three thousand eighty-eight (3088), line one (1), is amended by striking the word "state" and inserting in lieu thereof the word "Iowa".

Further amend by renumbering section two (2) as section three (3).

Further amend by striking the title and inserting in lieu thereof the following:

“An act to amend section three thousand eighty-eight (3088), and to repeal sections three thousand eighty-nine (3089), three thousand ninety (3090), three thousand ninety-one (3091), and three thousand ninety-two (3092), Code, 1931, and to enact substitutes therefor, relating to the Iowa Butter Trademark; and to create the Iowa Butter Control Board, to define its powers and duties, and to create standards for the manufacture of Iowa Trademark Butter and to vest the title of said Iowa Butter Trademark in the Iowa Trademark Butter Association.”

Senator Beatty appeared in the Senate chamber.

The amendments were adopted.

Senator Nelson moved that the Senate concur in the House amendments as amended.

On the question, “Shall the Senate concur?” the vote was:

Ayes, 46.

Anderson	Fisch	Leo	Ritchie
Aschenbrenner	Frailey	McArthur	Roelofs
Baldwin	Geske	Meyer	Schmidt
Beardsley	Harrington	Miller of	Shangle
Beatty	Hicklin	Buchanan	Stanley
Bennett	Hill	Miller of Jones	Stevens of
Booth	Hopkins	Moore	Decatur
Byers	Hush	Mullaney	Stevens of
Calhoun	Husted	Nelson	Wapello
Carden	Irwin	Patterson	Tripp
Chrystal	Kimberly	Pendray	Valentine
Coykendall	Klemme	Reese	Wenner
			Wilson

Nays, none.

Absent or not voting, 4

Doze	Elthon	Knudson	Topping
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The House amendments as amended having received a constitutional majority were declared to have been adopted and concurred in by the Senate.

By unanimous consent, on request of Senator Harrington, the rules were suspended and he was allowed to introduce a Senate substitute for Senate File 150.

MOTION FILED

MR. PRESIDENT: I offer as a substitute for all pending amendments to Senate File 150 and the bill, a bill which will be found in the bill files, next to the original bill, and which, if adopted, will become the main bill and be known as “Senate Substitute for Senate File 150”.

VINCENT F. HARRINGTON.

INTRODUCTION OF BILLS

Senate substitute for Senate File 150, by Senator Harrington, a bill for an act to repeal chapters ninety-four (94), ninety-five (95), ninety-six (96), ninety-seven (97), ninety-eight (98), ninety-nine (99), one hundred (100), one hundred one (101), one hundred two (102), one hundred three (103), and one hundred four (104), of Title VI of the Code of Iowa, 1931, relating to intoxicating liquors; to create a State Liquor Control Board and prescribing the powers and duties thereof, including the power to fix the sale price of liquor and wine; to provide for the control by such board of the liquor traffic within the State of Iowa; to provide for the issuance of licenses and permits; to provide revenue by taxation of liquors and wines and from licenses and permits to buy and sell liquors and wines; to provide for the allocation and distribution of the proceeds of revenue derived under this act; to provide punishments for violations of this act; and to make an appropriation for the purpose of carrying out the provisions of this act.

Read first and second times and referred to committee on liquor control.

Senator Topping appeared in the Senate chamber and the call was declared complete.

Senator Valentine moved that the Senate resolve itself into a committee of the whole.

The motion prevailed.

COMMITTEE OF THE WHOLE

Consideration of amendments to Senate File 1 was resumed.

Action was deferred, as shown on page 552, on the amendments to Sec. 61 offered by Senators Stevens of Wapello, Nelson and Bennett, as found on page 550 of the Senate journal.

Senators Stevens of Wapello, Nelson and Bennett offered the following as a substitute for their pending amendment, and moved its adoption:

Amend Section sixty-one (61) by adding at the end thereof the following:

"3. Provided, however, that such comptroller shall not, under the provisions of this paragraph, include in any warrant to the county treasurer any sum for the county which, in making its levies for county purposes,

has not complied with the provisions of section 385-f1, hereafter expressly provided, and further provided that no county treasurer shall make any apportionment from any warrant received from the comptroller to any subtaxing district which has not complied with the provisions of section 385-f1, as expressly provided in the following paragraph.

"4. That Chapter 24, Code of Iowa, 1931, be and the same is hereby amended by adding thereto, immediately following Section 385 thereof, and as section 385-f1: 'In no event shall the total tax levy in dollars of any municipality be increased for any calendar year over the previous year by a greater percentage than the percentage increase in the assessed value of personalty and realty in such taxing subdivisions over the previous calendar year, using the taxes levied for collection in 1934 as the base for the first year's calculations, except a tax levied for bond charges, unless upon application to the State Comptroller and a showing of necessity due to emergency or special considerations applying to such district, authorization for a higher levy has been granted by the comptroller. Such authorization if granted by the comptroller shall apply only for one year.'

"Provided further that if a higher levy is hereafter granted to any taxing district by the comptroller it shall not be used in computation of the requirements of said district for the next ensuing year."

Senator Wenner offered the following amendment to the amendment as printed and moved its adoption:

Amend subsection 4 by striking all of said subsection 4 after the word "charges" as it appears in line 8 and substituting in lieu thereof a period "(.)".

Roll call was demanded.

On the question, "Shall the amendment to the amendment be adopted?" the vote was:

Ayes, 8.

Coykendall	Moore	Ritchie	Wenner
Hopkins	Patterson	Stanley	Wilson

Nays, 36.

Anderson	Elthon	Klemme	Reese
Aschenbrenner	Fisch	Leo	Schmidt
Baldwin	Frailey	McArthur	Shangle
Beardsley	Geske	Meyer	Stevens of
Beatty	Harrington	Miller of	Decatur
Bennett	Hicklin	Buchanan	Stevens of
Booth	Hush	Miller of Jones	Wapello
Byers	Husted	Mullaney	Topping
Calhoun	Irwin	Nelson	Tripp
Doze	Kimberly	Pendray	

Absent or not voting, 6.

Carden	Knudson	Roelofs	Valentine
Chrystal	Hill		

The amendment to the amendment was lost.

Senator Shangle offered the following amendment to the amendment as printed and moved its adoption:

Amend by inserting the word "increased" before the word "bond" in line 8 of subsection 4.

The amendment to the amendment was lost.

Senator Bennett moved to defer action on the pending substitute amendment until tomorrow.

Senator Patterson raised the point of order that the motion to defer was out of order as Senator Valentine had the floor and had yielded only for the purpose of answering a question.

The President held the point of order not well taken as Senator Valentine had yielded the floor to Senator Bennett.

Senator Bennett withdrew the substitute amendment, by unanimous consent.

Senator Wenner offered the following amendment and moved its adoption:

Amend section 9 by striking therefrom the fifth paragraph thereof, and by substituting therefor the following:

"5. A reasonable allowance for the damage, destruction, depreciation, exhaustion, wear and tear and obsolescence of property used in the trade or business, and in the case of mines or other natural deposits and timber a reasonable allowance for depletion; provided, that in computing the allowances granted under this paragraph the basis shall be the cost of such property (including, in the case of mines and other natural deposits, the cost of development not otherwise deducted), except where the property was acquired prior to January 1, 1934, the basis shall be the cost less reasonable depreciation accrued thereon up to January 1, 1934, but in no event less than its fair market value on said date. The reasonable allowance under this paragraph shall be made under rules and regulations to be prescribed by the Board. In the case of leases the allowances granted may be equitably apportioned between the lessor and the lessee."

The amendment was adopted.

Senator Shangle moved to recess until 1:10 p. m. today.

The motion prevailed.

AFTERNOON SESSION

The committee of the whole reconvened at the sound of the gavel.

Hon. James E. Van Zandt, commander in chief of the Veterans of Foreign Wars, addressed the Senate in compliance with the permission given as shown on page 544 of the Senate journal.

Senator Patterson moved that the remarks of Hon. James E. Van Zandt be printed in the journal.

The motion prevailed.

Mr. Van Zandt spoke in part as follows:

TO YOUR HONOR, THE GOVERNOR AND MEMBERS OF THIS DISTINGUISHED BODY, THE STATE ASSEMBLY OF THE STATE OF IOWA, AND MY MANY COMRADES OF ALL WARS AND THEIR LADIES.

It is very difficult for me to really express to you the sincere appreciation that I enjoy here today as Commander in Chief of the Veterans of Foreign Wars, in having this privilege of coming here and discussing with such a distinguished group of gentlemen and ladies, the problems that confront veterans of all wars today.

I am on a tour of the United States, making contact with not only the veterans, but the friends of the veterans in general, so that they may become familiar with the methods that we have employed and are employing to bring about an adjustment of this veterans' problem which I am certain you are familiar with today.

Gentlemen and ladies, the problem that we are concerned in, is the problem that you are concerned in. This problem concerns many veterans within the State of Iowa, as it does the veterans throughout the United States in general, and for that reason, if time would permit, it is my hope to convey to you just the policies of the veterans of Foreign Wars, so that you may be familiar with those policies, and so that you may give us not only your moral support, but your active support likewise.

The Veterans of Foreign Wars, as an organization composed of overseas veterans, having had some thirty-four years of experience in adjusting the problems that confront the veterans of all wars and their dependents, feel that they are the logical veterans' organization to make recommendations to both Houses of Congress relative to this momentous question that concerns the veterans today. The V. F. W., as an organization composed of over two hundred and sixty thousand overseas men, has given serious consideration to this momentous question, and at our recent National Encampment in Milwaukee, for a week they sat and gave serious consideration, and the result is that they have given their Commander in Chief a legislative program that we classify as a mandate. And as Commander in Chief of this organization, I am bound by it not only as a veteran, but as a member who has been given the highest office within the organization of our membership, to follow the mandates laid down to me.

The Veterans of Foreign Wars in their consideration, first took for discussion that most vicious piece of legislation that was imposed upon the American public during the closing days of the Seventy-third Congress, known as the Economy Bill. While the Economy Bill was up for

its brief consideration in the upper and lower Houses of Congress, we as a veterans organization made an attempt to call to the attention of the American public the injustices that would be imposed upon the veterans and their dependents in the United States. Public sentiment, by reason of the unfair and false propaganda that was disseminated by big business, who was represented by the National Economy League, was turned against the veteran, and the result was that Congress adopted the economy measure.

My friends, just as soon as the economy measure was adopted and the regulations which we are now working under were developed and made a law by the President, out in the streets went thousands of veterans, into the bread lines went thousands of veterans, hundreds of our veterans committed suicide by reason of the fact that they were hastily cut off from those allowances that the federal government was giving them.

The National Economy League made the statement that thousands of veterans were receiving compensation allowances from the federal government that were not entitled to them, and the economy bill would take these allowances away. Believe me, when I tell you that it is impossible for one individual to pass comment on any veteran until he is absolutely certain by reason of a medical examination that that man is not disabled. Many a veteran, today, walks down the street with a wooden leg, having suffered for years the loss of that leg in time of war. Many a veteran in the United States who carries shrapnel and machine gun bullets appears to be the picture of health, expecting any moment to drop off. My friends, might I again say to you, please do not criticize a veteran if he appears to you to be in good health and is receiving compensation, too, as the members of the National Economy League did six or seven months ago.

My friends, the economy bill was put into effect and over 400,000 veterans of the World War were cut off from compensation; 175,000 Spanish American War veterans were denied their pensions upon which they had been living the past thirty-four years, and that is a condition that faced the veterans of Foreign Wars when they went into session at Milwaukee, and that is the reason why our organization adopted a militant attitude in asking those members of both Houses of Congress to repeal that most vicious piece of legislation known as the economy measure.

My friends, in asking the repeal of the economy measure, we are asking that the pension taken away from the Spanish American war veterans would be restored immediately, not for the sole purpose of taking care of the Spanish American War veterans, but for the purpose of reestablishing a principle and a pension to be paid to a truly disabled veteran in the World War in the United States today.

In the hands of the highest executive of this Nation rests that privilege of awarding such a pension to a veteran, but tomorrow he has the same privilege of taking it away from the Spanish American War veteran or the World War veteran, and we feel that that question is much too large for one individual to handle. We want it returned to the hands of the lawmakers of our Nation, where it rightfully belongs, and that is the reason why we are asking that the pension privilege to the Spanish American War veteran be restored.

Next, we are asking that the privilege of hospitalization be restored to disabled comrades of all wars. My friends, here in Des Moines you have a veterans' administration facility complete in every respect, but lacking two things—first, they lack the patients, and second they lack the doctors. My friends, if the privilege of free hospitalization be restored, the hospital in Des Moines will be immediately filled. We contend the responsibility of taking care of these disabled veterans of all wars does not rest upon the shoulders of you gentlemen here in the State of Iowa, but rests upon the shoulders of the federal government. Whenever they went forth to defend this Nation, they did not go forth to defend you alone, but the whole Nation. Therefore, the responsibility rests on the shoulders of the federal government. As I have stated before, restore that privilege of free hospitalization and they will fill this hospital out here, which is at the present time unoccupied.

We are asking that the disabled veterans allowance act which was repealed in March, 1933, be restored immediately. And then we are asking that a pension be paid to widows and orphans of World War veterans—that pension to equal the one paid to widows of Civil and Spanish American War veterans. And then next, we are asking that the 15 per cent pay cut imposed on the federal employees upon retirement, the personnel of the army, navy, marine corps and coast guards be restored to that group of individuals immediately.

And that is the reason why we are asking that the economy bill be repealed.

My friends, the Veterans of Foreign Wars have but one request to make of Congress, and it will affect able bodied war veterans. I refer here to the immediate cash payment of the remainder of the Adjusted Compensation Certificates, commonly known among us veterans of the World War as the bonus. We are asking the payment of those certificates for three reasons. First, it is the largest single debt that appears against the federal government today, amounting to \$2,500,000,000. Next, since the government is practicing economy, we are giving them an opportunity to practice economy on the adjusted service certificate. It cost the federal government \$11,000,000 annually to administer the adjusted service act. In addition to that, they are called upon to appropriate annually \$112,000,000 and place that into a sinking fund, so that in 1945 when these certificates are due there will be an adequate amount of money to pay the face of these certificates. By paying the remainder of these immediately, there will be a saving of \$123,000,000 every year from now until 1945. And then, our third reason is, that we feel since it is the intention of the highest executive of this Nation to place into the hands of the consumer additional purchasing power, that by the paying of \$2,500,000,000 to three and one-half million veterans, he will be placing into the hands of these veterans who represent families that total over fifteen million people, the additional purchasing power that they so much need, and need immediately. It is, really, my friends, a very important and vital part of that program that Mr. Roosevelt is conducting today, known as the National Recovery Act.

Now, legislators and friends, time will not permit me to discuss

further any legislative program of our organization, or what we as a group of honest to God patriotic American citizens are calling upon the Congress of the United States to adopt, but I want to leave this thought with you, that we as a group of veterans who have followed the Stars and Stripes on every frontier in service, have reached that point where we know we are right, and we have decided to go out and fight harder than we have ever fought before, because we know we have been double-crossed, and for that reason we are conducting this militant campaign. All I ask of you is to give us your moral and active support, so that we may return to the veterans and their dependents the allowances that were unjustly taken away from them by the passage of the conomy bill. I thank you.

CONSIDERATION OF SENATE FILE 1 RESUMED

The Senate resumed consideration of Senate File 1, as a committee of the whole.

Senator Hicklin offered the following amendment and moved its adoption:

Amend Section 61 by striking out all of subdivision 1 thereof and substituting in lieu thereof the following:

"1. From and after the first day of January, 1935, no tax shall be levied or collected for the general fund of the State of Iowa, and Sections seventy one hundred eighty-two (7182) and seventy one hundred eighty-three (7183) of the 1931 Code of Iowa, are hereby repealed from and after January 1, 1935. The revenues obtained by this act, or so much thereof as are necessary, shall be first used to pay the general expenses of state government."

Roll call was demanded.

On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 17.

Baldwin	Harrington	Klemme	Stevens of
Bennett	Hicklin	Moore	Wapello
Carden	Hill	Schmidt	Topping
Coykendall	Husted	Shangle	Tripp
Frailey			Wenner

Nays, 30.

Anderson	Elthon	Meyer	Reese
Aschenbrenner	Fisch	Miller of	Ritchie
Beardsley	Geske	Buchanan	Roelofs
Booth	Hopkins	Miller of Jones	Stanley
Byers	Hush	Mullaney	Stevens of
Calhoun	Kimberly	Nelson	Decatur
Chrystal	Leo	Patterson	Valentine
Doze	McArthur	Pendray	Wilson

Absent or not voting, 3.

Beatty Irwin Knudson

The amendment was lost.

Senator Wenner offered the following amendment and moved its adoption:

Amend Section Sixty-two (62) by striking from lines twenty-three (23) and twenty-four (24) the following words: "by registered mail".

The amendment was adopted.

By unanimous consent, on request of Senator Frailey, his amendment to Sec. 26, as found on page 343 of the Senate journal, was withdrawn.

Senator Valentine offered the following amendment and moved its adoption:

Amend section six (6) by striking the word "guardian" in line sixteen (16) thereof and substituting in lieu thereof the word, "fiduciary".

The amendment was adopted.

Senator Valentine offered the following amendments and moved their adoption:

Amend section thirty-eight (38) by striking the word "cash" in line twenty-five (25) thereof, and by adding after the word "discounts" in the same line the following, "for any purpose".

Further amend by adding to section forty-one (41) the following, "Taxes paid on gross receipts represented by accounts found to be worthless and actually charged off for income tax purposes may be credited upon a subsequent payment of the tax herein provided; provided, that if such accounts are thereafter collected by the retailer, a tax shall be paid upon the amount so collected."

The amendments were adopted.

Senator Valentine offered the following amendments and moved their adoption:

Amend Section sixty-two (62), by adding after the word "allocated" in line three (3) thereof the following, "each year"; by adding after the word, "county", in line six (6) thereof the following, "for the next preceding tax year"; and by adding after the word "state" in line seven (7) thereof the following, "for the next preceding tax year".

Further amend by adding after the word "tax payer" in line fifteen (15) thereof the following, "being the tax bill of the next preceding tax year, due and payable in the current year".

Further amend by adding after the word "which" in line sixteen thereof the following, "the assessed valuation of"; by adding after the

word "property" in line seventeen (17) thereof the following, "for the next preceding tax year"; and by adding after the word "county" in line nineteen (19) thereof the following, "for the next preceding tax year".

The amendments were adopted.

Senator Doze offered the following amendment and moved its adoption:

Amend Section fifty-six (56), by adding as sub-section five (5) thereof, the following:

"5. The board may utilize the office of Treasurer of the various counties in order to administer this Act and effectuate its purposes, and may appoint the Treasurers of the various counties its agents to collect any or all of the taxes imposed by this Act, provided, however, that no additional compensation shall be paid to said Treasurer by reason thereof."

The amendment was adopted.

Senator Beatty moved that the committee of the whole arise.

The motion prevailed and the Senate resumed regular session.

By unanimous consent, on request of Senator Wilson, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 248, by committee on cities and towns, a bill for an act to legalize the tax levy made by the Board of Supervisors of Muscatine County, Iowa, in the years 1928, 1929, 1930, 1931 and 1933, to provide a fund for the support of indigent children, and to legalize the collection of said taxes by the Treasurer of Muscatine County, Iowa.

Read first and second times and placed on the calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the conference report to House File 21, a bill for an act relating to the computation of tax rates.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 229, a bill for an act to legalize the re-incorporation of the First Methodist Episcopal Church of Nora Springs, Floyd County, Iowa.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 74, a bill for an act relating to the expenditure by cities or towns in aiding in the purchase of land for state parks.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 91, a bill for an act relating to the closing of schools because of lack of attendance, and to enact a substitute therefor.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 231, a bill for an act to legalize all depositors agreements entered into by any county, town, city, township or school district.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 114, a bill for an act to make permanent the transfer of funds from the Secondary Road Construction Fund of Audubon County to the County Poor Fund of said county.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 238, a bill for an act making an appropriation for the payment of the necessary expenses of the special corporation commission authorized by the Forty-fourth General Assembly and continued by the Forty-fifth General Assembly of the State of Iowa.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENT TO SENATE FILE 238

Amend title to Senate File 238 by striking line two and substituting the following: "forty-three dollars and seventeen cents (\$943.17) for".

HOUSE MESSAGES CONSIDERED

House File 114, a bill for an act to make permanent a temporary transfer made July 18, 1932, approved by the Director of the Budget of the State of Iowa under date of August 4, 1932, of seven thousand dollars (\$7000.00) from the Secondary Road Construction Fund of Audubon County to the County Poor Fund of said county.

Read first and second times and referred to committee on judiciary No. 2.

House File 231, an emergency bill for an act to legalize all depositors agreements heretofore entered into by any county, town, city, township or school district, by its governing body or any designated officer or agent for that purpose, or by the State of Iowa, through its Executive Council, or any officer or agent for that purpose covering deposits of public moneys in any state bank, savings bank, trust company, private bank or national bank in Iowa, or any bank or trust company assuming all or any part

of the deposit liability of a depository bank or trust company, and providing for participation in the State Sinking Fund for public deposits.

Read first and second times and referred to committee on banks and banking.

HOUSE AMENDMENTS CONSIDERED

Senator Bennett moved that the rules be suspended and called up for consideration Senate File No. 238, amended by the House, and moved that the Senate concur in the following amendment:

Amend title by striking line two and substituting the following: "forty-three dollars and seventeen cents (\$943.17) for".

On the question "Shall the Senate concur?" the vote was:

Ayes, 40.

Anderson	Frailey	Meyer	Shangle
Baldwin	Harrington	Miller of	Stanley
Beardsley	Hicklin	Buchanan	Stevens of
Beatty	Hill	Miller of Jones	Decatur
Bennett	Hopkins	Moore	Stevens of
Booth	Hush	Mullaney	Wapello
Calhoun	Husted	Patterson	Topping
Carden	Irwin	Pendray	Tripp
Coykendall	Kimberly	Reese	Wenner
Doze	Klemme	Roelofs	Wilson
Fisch	Leo ..	Schmidt	

Nays, none.

Absent or not voting, 10.

Aschenbrenner	Elthon	McArthur	Ritchie
Byers	Geske	Nelson	Valentine
Chrystal	Knudson		

The House amendment having received a constitutional majority was declared to have been adopted and concurred in by the Senate.

REPORTS OF COMMITTEES

Senator Wilson submitted the following reports:

MR. PRESIDENT: Your committee on cities and towns to which was referred Senate File 96, a bill for an act to amend sections five thousand seven hundred sixty-eight (5768), six thousand one hundred twenty-seven (6127), six thousand one hundred thirty (6130), six thousand one hundred thirty-five (6135) and six thousand one hundred forty-two (6142) of the Code, 1931, relating to the powers of cities and towns to erect and operate public utility plants, begs leave to report it has had the

same under consideration and recommends the same be indefinitely postponed.

GEORGE A. WILSON, *Chairman.*

Ordered passed on file.

Also:

Your committee on cities and towns to which was referred Senate File 103, a bill for an act amending Section sixty-one hundred thirty-four-d1 (6134-d1), Code, 1931, and providing for the issuance by municipalities of negotiable revenue bonds payable only out of the net earnings of municipally owned public utilities, providing the security for the payment of such bonds; providing for the delivery or sale of such bonds and that the same may be used as security for money borrowed to pay the cost of such improvement, begs leave to report it has had the same under consideration and returns the bill without recommendation.

GEO. A. WILSON, *Chairman.*

Ordered passed on file.

Senator Hicklin submitted the following report:

MR. PRESIDENT: Your committee on judiciary No. 2 to which was referred House File 114, a bill for an act to make permanent a temporary transfer made July 18, 1932, approved by the Director of the Budget of the State of Iowa under date of August 4, 1932, of seven thousand dollars (\$7000.00) from the Secondary Road Construction Fund of Audubon County to the County Poor Fund of said county, begs leave to report it has had the same under consideration and returns the bill without recommendation.

E. R. HICKLIN, *Chairman.*

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred House File 297, a bill for an act to legalize the corporate acts and proceedings of the Benton County Agricultural Society of Benton County, Iowa, and to provide for the reincorporation and extension of the period of corporate existence and the adoption of reincorporation articles of incorporation of said Benton County Agricultural Society of Benton County, Iowa, begs leave to report it has had the same under consideration and recommends the same do pass.

E. R. HICKLIN, *Chairman.*

Ordered passed on file.

Senator Anderson submitted the following report:

MR. PRESIDENT: Your committee on departmental affairs to which was referred House File 45, a bill for an act requiring liability insurance for certain employees operating state owned motor vehicles, and providing that the fact that the title to such motor vehicle is in the state of Iowa and such officer or employee is in discharge of his duties, shall be no defense to claim for damages based on negligence of such officers or

employees in operating such motor vehicle, begs leave to report it has had the same under consideration and recommends the same do pass.

PAUL H. ANDERSON, *Chairman.*

Ordered passed on file.

Also:

Your committee on departmental affairs to which was referred House File 94, a bill for an act to amend section fifty-one (51) of Chapter one hundred eighty-eight (188) of the laws of the Forty-fifth General Assembly, relating to the compensation of employees in the motor vehicle fuel tax division of the office of the Treasurer of State, begs leave to report it has had the same under consideration and recommends the same do pass.

PAUL H. ANDERSON, *Chairman.*

Ordered passed on file.

Also:

Your committee on departmental affairs to which was referred House File 235, a bill for an act to invest the Auditor of State with power to authorize treasurers of any taxing district or political sub-division in certain instances to discontinue the carrying of certain items of account on the books of his office, and to apportion certain losses in public revenues among funds in hands of the treasurers, begs leave to report it has had the same under consideration and recommends the same do pass.

PAUL H. ANDERSON, *Chairman.*

Ordered passed on file.

The journal of January 6th was corrected and approved.

AMENDMENTS FILED

Amend Senate File No. 1 as follows:

(a) Amend by striking from lines nine (9) and ten (10) of Section forty (40) the words:

“gas, electricity and water when delivered to consumers through mains, lines or pipes, and of”, and by striking from line eleven (11) the words, “and communication” so that the section, as amended, will read:

“The gross receipts from the sales, furnishing or service of transportation service”.

(b) Amend by inserting after the semi-colon (;) in line six (6) of section thirty-nine (39) the following:

“a like rate of tax upon the gross receipts from the sales, furnishing or service of gas, electricity, water and communication service, including the gross receipts from such sales by any municipal corporation furnishing gas, electricity, water and communication service to the public in its proprietary capacity, except as otherwise provided in this division, when sold at retail in the State of Iowa to consumers or users;”

(c) Amend by adding after the word “corporation” in line six (6) of Section thirty-eight (38) the words “municipal corporation”.

(d) Amend by striking out the period (.) following the word “prop-

erty" in line fifteen (15) of Section thirty-eight (38) and adding thereto the following:

"or the sale of gas, electricity, water, and communication service to retail consumers or users".

(e) Amend by inserting after the word "retail" in line twenty-one (21) of Section thirty-eight (38) the following:

"or the furnishing of gas, electricity, water and communication service,".

(f) Amend by inserting after the word "property" in line fifteen (15) of Section fifty-one (51) the words:

"tickets or admissions to places of amusement and athletic events, or gas, water, electricity and communication service".

(g) Amend by adding after the word "revoked" in line sixteen (16) of Section fifty-one (51) the following:

"or without procuring a license within sixty (60) days after the effective date of this Act, as provided in Section 47 of this Act,".

L. T. SHANGLE.

On motion of Senator Frailey, the Senate adjourned until 10:00 a. m. Tuesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 9, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Frederick J. Weertz, pastor of the St. John's Evangelical Lutheran Church of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring old age pension bill. Senator Frailey from citizens of Shenandoah. Judiciary No. 2.

Favoring amendment to liquor control bill allowing clubs to serve intoxicating beverages. Senator Frailey from Fraternal Order of Eagles, Fort Madison. Liquor control.

Favoring amendment to gross income tax bill exempting religious, charitable and educational institutions from taxation. Senator Frailey from citizens of Keokuk. Tax revision and reorganization.

Favoring amendment to Senate File 179 recommended by the National Rifle Association. Senator Frailey from business men of Cherokee. Judiciary No. 1.

Favoring gross income tax bill. Senator Frailey from tax payers of Lee county. Tax revision and reorganization.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me as Secretary of the Senate, a proof of publication from the Estherville Daily News, a daily newspaper published at Estherville, Emmet County, Iowa, relating to House File 224, a bill for an act to make permanent the temporary transfer, made November 6, 1931, of money from the secondary road maintenance fund to the general fund of Emmet County.

BYRON G. ALLEN, *Secretary of the Senate.*

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 224, a bill for an act to make permanent the temporary transfer of money from the secondary road maintenance fund to the general fund of Emmet County, Iowa.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 194, a bill for an act relating to the reimbursement of school districts because of tax-free land within such districts and the provisions thereof.

VIRGIL LEKIN, *Chief Clerk.*

INTRODUCTION OF BILLS

Senate File No. 249, by committee on claims, a bill for an act to make an appropriation to I. N. Salyers.

Read first and second times and referred to committee on appropriations.

Senate File No. 250, by committee on claims, a bill for an act to make an appropriation to John Wendt.

Read first and second times and referred to committee on appropriations.

Senate File No. 251, by committee on county and township affairs, a bill for an act to legalize and validate certain warrants of Pocahontas county, Iowa, and the proceedings taken by the Board of Supervisors of said county authorizing and providing for the issuance of bonds to fund and retire said warrants and the proceedings making provision for the levy of taxes to pay said bonds.

Read first and second times and placed on the calendar.

HOUSE MESSAGES CONSIDERED

House File 194, a bill for an act to amend subsections four (4) and five (5) of section one (1), chapter one hundred twenty-five (125), Acts of the 45th General Assembly, relating to the reimbursement of school districts because of tax-free land within such districts so as to provide that such reimbursement shall equal the tuition such districts are required to pay other districts be-

cause of children of state or federal employees who live on state or government owned land within the district.

Read first and second times and referred to committee on public schools.

House File 224, a bill for an act to make permanent the temporary transfer, made November 6, 1931, of money from the secondary road maintenance fund to the general fund of Emmet county.

Read first and second times and referred to committee on judiciary No. 2.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hopkins from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled House Files 115 and 75.

GEO. M. HOPKINS, *Member Senate Committee.*
WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House Files 115 and 75.

THIRD READING OF BILLS

By unanimous consent on request of Senator McArthur, House File 271 was called from the committee on labor and substituted for Senate File 222 on the calendar.

By unanimous consent, on motion of Senator McArthur, House File No. 271, a bill for an act to accept the provisions of the Act of Congress of the United States of America approved June 6, 1933, entitled, "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes", and making an appropriation therefor, was taken up and considered.

The bill was read for information.

Senator McArthur moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 41.

Anderson	Fisch	Leo	Schmidt
Aschenbrenner	Frailey	McArthur	Shangle
Baldwin	Geske	Miller of	Stanley
Beatty	Harrington	Buchanan	Stevens of
Bennett	Hicklin	Miller of Jones	Decatur
Booth	Hill	Moore	Stevens of
Byers	Hopkins	Mullaney	Wapello
Carden	Hush	Nelson	Topping
Chrystal	Irwin	Patterson	Tripp
Coykendall	Kimberly	Pendray	Valentine
Doze	Klemme	Reese	Wilson

Nays, 4.

Calhoun	Elthon	Ritchie	Wenner
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Absent or not voting, 5.

Beadsley	Knudson	Meyer	Roelofs
Husted			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator McArthur moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator McArthur, Senate File 222, a companion bill to the one just passed was withdrawn.

Senator Harrington moved that the Senate resolve itself into a committee of the whole for the purpose of considering tax revision bills.

The motion prevailed.

COMMITTEE OF THE WHOLE

Consideration of amendments to Senate File 1 was resumed.

Senator Shangle offered the following amendments and moved their adoption:

Amend as follows:

(a) Amend by striking from lines nine (9) and ten (10) of Section forty (40) the words:

"gas, electricity and water when delivered to consumers through mains, lines or pipes, and of", and by striking from line eleven (11) the words, "and communication" so that the section, as amended, will read:

"The gross receipts from the sales, furnishing or service of transportation service".

(b) Amend by inserting after the semi-colon (;) in line six (6) of section thirty-nine (39) the following:

"a like rate of tax upon the gross receipts from the sales, furnishing or service of gas, electricity, water and communication service, including the gross receipts from such sales by any municipal corporation furnishing gas, electricity, water and communication service to the public in its proprietary capacity, except as otherwise provided in this division, when sold at retail in the State of Iowa to consumers or users;"

(c) Amend by adding after the word "corporation" in line six (6) of Section thirty-eight (38) the words "municipal corporation".

(d) Amend by striking out the period (.) following the word "property" in line fifteen (15) of Section thirty-eight (38) and adding thereto the following:

"or the sale of gas, electricity, water, and communication service to retail consumers or users".

(e) Amend by inserting after the word "retail" in line twenty-one (21) of Section thirty-eight (38) the following:

"or the furnishing of gas, electricity, water and communication service,".

(f) Amend by inserting after the word "property" in line fifteen (15) of Section fifty-one (51) the words:

"tickets or admissions to places of amusement and athletic events, or gas, water, electricity and communication service".

(g) Amend by adding after the word "revoked" in line sixteen (16) of Section fifty-one (51) the following:

"or without procuring a license within sixty (60) days after the effective date of this Act, as provided in Section 47 of this Act,".

Senator Pendray was called to the chair at 10:47 a. m.

The President returned to the chair at 10:55 a. m.

Senator Frailey raised the point of order that Senator Shangle had the closing argument and had finished; that Senator Beardslley was out of order.

The President ruled that the point of order was well taken.

Roll call was demanded.

On the question, "Shall the amendments be adopted?" the vote was:

Ayes, 28.

Aschenbrenner	Doze	Miller of	Ritchie
Beardsley	Elthon	Buchanan	Shangle
Beatty	Hill	Miller of Jones	Stanley
Bennett	Hush	Mullaney	Stevens of
Booth	Husted	Nelson	Wapello
Calhoun	Klemme	Patterson	Tripp
Carden	McArthur	Pendray	Wilson
Coykendall	Meyer		

Nays, 19.

Anderson	Frailey	Leo	Stevens of
Baldwin	Geske	Moore	Decatur
Byers	Hicklin	Reese	Topping
Chrystal	Irwin	Roelofs	Valentine
Fisch	Kimberly	Schmidt	Wenner

Absent or not voting, 3.

Harrington	Hopkins	Knudson
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The amendments were adopted.

By unanimous consent, on request of Senator Shangle, his amendment to Sec. 40, as found on page 411 of the Senate journal, was withdrawn.

Senator Booth moved that 2400 copies of Senate File 1 be reprinted as passed out by the committee of the whole, for the purpose of getting the bill in its present form before the Senate for further consideration.

The motion prevailed.

On motion of Senator Shangle, the committee of the whole recessed until 1:30 p. m. today.

AFTERNOON SESSION

The committee of the whole reconvened.

Senator Valentine moved that the secretary of the Senate be authorized to renumber the paragraphs, sections and subsections of Senate File 1, when the same is reprinted, if such is necessary.

The motion prevailed.

CONSIDERATION OF SENATE FILE 33

President pro tempore Harold L. Irwin was called to the chair at 1:45 p. m.

Senator Calhoun offered the following amendment and moved its adoption:

Amend by adding to Subsection (a) of Sec. 48, the following: "fraternal beneficiary societies, orders and associations;".

Senator Nelson submitted the following as a substitute for the pending amendment and moved its adoption:

Amend as follows:

Amend subsection (a) of section 48 by adding after the word "non-pecuniary" in line 3 thereof the words "organizations or".

Add at the end of line 5 the words:

"fraternal beneficiary societies, orders or associations as defined in Chapter 402 of the 1931 Code of Iowa and amendments thereto and all such corporations, societies, orders or associations lawfully doing business in this state.", so that subsection (a) of section 48 as amended will read:

"(a) Labor, agriculture and horticultural societies and organizations organized as non-pecuniary organizations or corporations under the laws of the state of Iowa; cemetery companies which are organized and operated exclusively for the benefit of their members and not for profit; fraternal beneficiary societies, orders or associations as defined in Chapter 402 of the 1931 Code of Iowa and amendments thereto and all such corporations, societies, orders or associations lawfully doing business in this state."

The substitution was made.

The substitute amendment was adopted.

Senator Harrington offered the following amendment and moved its adoption:

Amend sec. 23 by striking all after the period in line 15 thereof.

The amendment was adopted.

Senator Harrington moved that Senate File 33 be substituted for Senate File 1.

By unanimous consent, on request of Senator Harrington, his motion was withdrawn.

MOTION FILED

MR. PRESIDENT: We offer as a substitute for all pending amendments to Senate File 230, and the bill, a bill which will be found in the bill files, next to the original bill, and which if adopted, will become the main bill and be known as "Senate Substitute for Senate File 230".

E. R. HICKLIN,
FRED W. NELSON,
D. MYRON TRIPP,
ORA E. HUSTED,
EDW. J. WENNER,
LEO ELTHON,
FRANK I. COYKENDALL,

CLYDE H. TOPPING,
MIKE G. FISCH.
ROY E. STEVENS,
CHAS. D. BOOTH,
HOWARD C. BALDWIN,
CLAUDE STANLEY,
MORRIS MOORE,

SENATE FILE 230 AS REWRITTEN ORDERED PRINTED

By unanimous consent, on request of Senator Hicklin, Senate File 230 as rewritten was ordered printed.

CONSIDERATION OF SENATE FILE 209

Amendments to Senate File 209 were considered.

Senator Calhoun offered the following amendment and moved its adoption:

Amend by inserting after the word "associations" in line 1 of sec. 5, the following:

" , except fraternal beneficiary societies, orders and associations."

The amendment was adopted.

By unanimous consent, on request of Senator Harrington, action on Senator Hopkins' amendment was deferred, due to his absence.

Senator Frailey offered the following amendment and moved its adoption:

Amend by adding after line 14 of Section 5 the following:

"Provided, however, that all non-profit corporations, societies or voluntary associations whose qualification for membership is restricted to trades, crafts or occupations of labor and ladies auxiliaries of such organizations; and all non-profit religious, educational, charitable and benevolent organizations and also all non-profit fraternal, beneficiary societies, orders or associations defined in and operating under Chapter 402 of the 1931 Code of Iowa and all amendments thereto, and all such corporations, societies, orders or associations lawfully doing business in this state are all to be fully exempt from all taxation resulting from the operation of this act."

The amendment was adopted.

Senator Harrington moved that all amendments filed to Senate Files 209 and 33 be considered before the consideration of any other bills in the committee of the whole.

The motion prevailed.

Senator Stevens of Wapello moved that the committee of the whole arise.

The motion prevailed and the Senate resumed regular session.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT ON HOUSE FILE 21

Senator Calhoun called up for consideration the conference committee report on House File 21 as found on page 544 of the Senate journal and moved that the report be adopted and amendments therein proposed concurred in.

On the question, "Shall the report be adopted and the amendments therein proposed concurred in?" the vote was:

Ayes, 41.

Anderson	Bennett	Calhoun	Coykendall
Baldwin	Booth	Carden	Doze
Beardsley	Byers	Chrystal	Elthon

Fisch	Klemme	Mullaney	Stevens of
Frailey	Leo	Pendray	Wapello
Geske	McArthur	Reese	Topping
Harrington	Meyer	Ritchie	Tripp
Hicklin	Miller of	Roelofs	Valentine
Hush	Buchanan	Schmidt	Wenner
Irwin	Miller of Jones	Shangle	Wilson
Kimberly	Moore	Stanley	

Nays, none.

Absent or not voting, 9.

Aschenbrenner	Hopkins	Nelson	Stevens of
Beatty	Husted	Patterson	Decatur
Hill	Knudson		

The report was adopted and the amendments therein proposed concurred in.

REPORT OF COMMITTEE

Senator Nelson submitted the following report:

MR. PRESIDENT: Your committee on county and township affairs to which was referred Senate File 138, a bill for an act to provide for the expense of the bonds of the county auditors, clerks, recorders, attorneys, sheriffs, and county superintendents of schools, begs leave to report it has had the same under consideration and recommends the same do pass.

FRED W. NELSON, *Chairman.*

Ordered passed on file.

The journal of January 8th was corrected and approved.

AMENDMENT FILED

Amend House File 112 by striking all of Section eight (8), and substituting in lieu thereof the following:

"Sec. 8. Amend section four thousand twenty-seven (4027), Code of Iowa, 1931 by adding at the end of said section the following: 'The cost of all medicine, care, X-ray, laboratory and maintenance furnished to such patients, shall be paid one-half by the state and one-half by the county of each patient's legal residence. The cost of the commitment, transportation, attendants and other special appliances and treatments of all patients admitted or accepted for treatment at the University Hospital shall be paid by the state.

"The Auditor of State shall make a quarterly estimate of the per diem charge for medicine, care, X-ray, laboratory and maintenance based upon such reports and audits as he shall require, and in the final quarter of each year he shall provide for an audit to determine the said per diem charge for medicine, care and maintenance, and upon the basis of the same adjust any and all irregularities and errors found to exist as the result of the quarterly estimates.'"

MORRIS MOORE.

On motion of Senator Harrington the Senate adjourned until 10:00 a. m. Wednesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 10, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. A. J. Bissinger, pastor of the Jordan Memorial M. E. Church of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring gross income tax to replace all property tax. Senator Calhoun from citizens of Milton. Tax revision and reorganization.

Favoring system of local option in the sale control of intoxicating liquors. Senator Calhoun from Board of Supervisors of Jefferson county. Liquor control.

Favoring special tax on chain stores. Senator Anderson from business men of Webster county. Tax revision and reorganization.

Endorsing House File 228 relating to creating and establishing Hydro-electrical Power Commission. Senator Stanley from Local No. 240 of International Brotherhood of Electrical Workers; Senator Roelofs from Button Workers Union No. 18337. Departmental affairs.

INTRODUCTION OF BILLS

Senate File No. 252, by committee on agriculture, a bill for an act to amend chapter four hundred twenty-seven (427), code, 1931, as amended by Senate File sixty-nine (69), acts of the Forty-fifth General Assembly in extraordinary session, relating to the charges to be paid by the owner of grain at the time of the sealing of his warehouse; changing the fees of the sealer and the fees accruing to the secretary of agriculture; providing that the seal-

ers appointed by the secretary of agriculture shall not be members of the local board—all under the unbonded agricultural warehouse board.

Read first and second times and placed on the calendar.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled Senate Files 91, 229 and 74.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate Files 91, 229 and 74.

By unanimous consent, on request of Senator Wilson, the following communication was printed in the journal:

COMMUNICATION FROM SENATOR KNUDSON

Mrs. Knudson joins with me in an expression of heartfelt thanks and appreciation to the committee members who drafted and the members of the Senate who adopted the wonderful resolution of sympathy, after the passing of our dear boy, John Gilbert. Also, we extend thanks to the members of the Senate and the Senate employees for two beautiful floral tributes.

IRVING H. KNUDSON.

Senator Stanley moved that the Senate resolve itself into a committee of the whole, for the purpose of considering tax reduction bills. The motion prevailed.

COMMITTEE OF THE WHOLE

Senator Beardsley moved that the reading clerk read Senate File 230, as rewritten, for the information of the committee of the whole.

Senator Pendray was called to the chair at 10:27 a. m.

President N. G. Kraschel returned to the chair at 11:23 a. m.

Senator Shangle moved that the committee of the whole recess until 1:30 p. m. today. The motion prevailed.

AFTERNOON SESSION

The committee of the whole reconvened at the sound of the gavel, Chairman N. G. Kraschel presiding.

Discussion of Senate File 230 as rewritten was resumed.

Senator Wilson was called to the chair at 2:21 p. m.

Chairman N. G. Kraschel returned to the chair at 3:10 p. m.

Ex-Governor John Hammill being present in the Senate Chamber, Senator Patterson moved that he be invited to address the members of the Senate.

Chairman N. G. Kraschel introduced Ex-Governor Hammill as follows: "I think it is the desire of the Senate to hear Governor Hammill on any subject that he wishes to discuss."

EX-GOVERNOR HAMMILL'S ADDRESS TO THE SENATE

MR. PRESIDENT, MEMBERS OF THE SENATE, LADIES AND GENTLEMEN:

"To stand back of this desk and look into the faces of those gathered here today reminds me of former days when I had the pleasure of presiding over this Senate.

"As I was looking over the Senate this afternoon, talking to some of the men who are yet here—though probably not continuous in their service—my mind went back to the time I was a member of this Senate. Later, I had the pleasure of talking to the man who is occupying the seat that I occupied at that time.

"I know in part what your problems are. I know them from the standpoint of a legislator, as the presiding officer of the Senate, and as the chief executive of the state. When I see you in action, when I hear you discuss the various problems that are before you—naturally, I am reminded that the same procedure takes place now that took place in former days and years when these and other important matters were discussed by the legislative body.

"These are the times when we must exercise the best thought that is possible on the part of men charged with legislative powers and men in charge of the executive branch of our government.

"The time for action has come—the time in which we should unite as much as possible in the one common cause of the rehabilitation of this great nation of ours. Nothing is going to be achieved or accomplished unless that is done in a sound and economic way.

"I notice you are discussing tax problems. I do not care to go into a

detailed discussion, but all of our ideas and all of our conclusions must be fair and just. The taxes must be equitably divided so that everyone shall contribute his share, and no unjust burden be laid on one class or group of people. All our ideas ought to center on the question, 'What is the best for all our people?'

"I feel that a motto should be hanging in front of us or back of this chair—and everyone ask himself once in a while—'Is It Right?' and let that be the controlling factor in determining our tax problems.

"It has been a real pleasure to be here. I must not take much of your time. It would be impossible to enter into a minute and detailed discussion of the problems at this time. I appreciate your courtesy and wish you Godspeed in the transaction of your work."

Consideration of Senate File 230 'as rewritten resumed.

Senator Irwin was called to the chair at 3:20 p. m.

Chairman N. G. Kraschel returned to the chair at 3:25 p. m.

The President of the Senate appointed Senator Harrington a committee of one to escort Hon. W. L. Harding to the chair.

Ex-Governor Harding spoke in part as follows:

LIEUTENANT GOVERNOR AND THE NEXT GOVERNOR, AND THE EX—:

By the way, John and I belong to the same organization, the 'Exes'. I think mine is voluntary and his is not.

"It is a real pleasure to be up here again. I used to preside here. Of course, it keeps getting better all the time.

"I know better than to run for office any more myself, because there are so many better men and women,—especially women.

"It is a privilege to stop the Senate for just a few minutes and have—what is it they call it in Washington, a 'brain trust?'—here it is a brain rest.

"I know how to sympathize with the Lieutenant Governor. He smokes, and of course you won't let him smoke while he is in the session, so it is a terrible hardship to stay here all the time. I advise the use of chewing tobacco.

"I am not going to take your time. I could settle all these questions in twenty-four hours and save the state a lot of money, but it would not be representative. I know the answer to all these problems, but if I would tell you, you would disagree with me. I know Senators. I think the great prerogative of a Senator is to disagree.

"I doubt if it is deliberation.

"That sounds euphonious, but does not mean a damn thing in the Senate.

"I move to strike that one word.

"I was here when they were repealing the liquor laws, and I am hanging around these two or three days while they are re-enacting.

"I understand they asked on the 'raddio' yesterday—get that word, that

is a Democratic term—whether I was ‘wet’ or ‘dry.’ I think if they will look at the record they can find out. That is as far as I dare go on that subject.

“I was talking to Governor Herring, I think it was yesterday, and he told about a speech I made in Pottawattamie county—it was rather ‘dry’—and when I went to another county I was asked, ‘How about that time that you made a speech in Pottawattamie county?’ and I said, ‘What have you, boys?’

“It is a real honor to be invited up here. It is a great thing to be a citizen of Iowa and have an opportunity to come into the legislature once in awhile, and see the Senate and the House work on great problems. You will settle them, but you won’t settle them right. There will be some other folks here a year from now. They will settle them again. When I was here we settled them, and when you were here, John, you settled them. I knew better because I was younger. But you will settle them for the time being. It is this continual stirring up that has made America what it is, and will make it what it is to be tomorrow.

“I will say to you that you have honored me, and I appreciate it more than I can say.”

By unanimous consent on request of Senator Topping the remarks of Hon. John Hammill and Hon. W. L. Harding were ordered printed in the journal.

Discussion of Senate File 230 as rewritten resumed.

Senator Hicklin moved that the committee of the whole arise.

The motion prevailed and the Senate resumed regular session.

SENATE FILE 125 SPECIAL ORDER

By unanimous consent, on request of Senator Baldwin, Senate File 125 was made a special order for Friday at 10:30 a. m.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled House Files 21, 271, and Senate File 238.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of

the Senate, he had signed in the presence of the Senate, House Files 21 and 271, and Senate File 238.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 10th day of January, 1934, sent to the governor for his approval, Senate Files 91, 229, 74, and 238. HOMER HUSH, *Chairman*.

Passed on file.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Leo, House File 297, a bill for an act to legalize the corporate acts and proceedings of the Benton County Agricultural Society of Benton County, Iowa, and to provide for the reincorporation and extension of the period of corporate existence and the adoption of reincorporation articles of incorporation of said Benton County Agricultural Society of Benton County, Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Leo moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 43.

Anderson	Geske	Meyer	Shangle
Aschenbrenner	Harrington	Miller of	Stanley
Baldwin	Hicklin	Buchanan	Stevens of
Bennett	Hill	Miller of Jones	Decatur
Booth	Hopkins	Moore	Stevens of
Byers	Hush	Mullaney	Wapello
Calhoun	Irwin	Nelson	Topping
Carden	Kimberly	Patterson	Tripp
Chrystal	Klemme	Pendray	Valentine
Doze	Knudson	Ritchie	Wenner
Fisch	Leo	Roelofs	Wilson
Frailey	McArthur		

Nays, none.

Absent or not voting, 7.

Beardsley	Coykendall	Husted	Schmidt
Beatty	Elthon	Reese	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Leo moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

SENATE FILE 230 AS REWRITTEN LABELED

By unanimous consent, on request of Senator Hicklin, the bill now pending in the committee of the whole, shall be labeled "Senate File 230, as Rewritten" for the purpose of filing amendments.

REPORT OF COMMITTEE

Senator Pendray submitted the following report:

MR. PRESIDENT: Your committee on public schools to which was referred House File 97, a bill for an act to amend sections forty-four hundred eighty-five (4485), forty-five hundred three (4503), and forty-five hundred five (4505), Code, 1931, and to repeal section forty-four hundred eighty-six (4486), Code, 1931, all relating to the permanent school fund, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

Strike sections one and four (1 and 4) and renumber the remaining sections.

CAROLYN C. PENDRAY, *Chairman.*

Ordered passed on file.

The journal of February 9th was corrected and approved.

AMENDMENTS FILED

Amend the committee amendment to Senate File 53 by striking out section one (1) of said amendment and by inserting in lieu thereof the following:

"Section 1. Chapter one hundred thirty-eight (138), Code, 1931, is hereby repealed, and the following sections of this act are enacted in lieu thereof, provided that any farm aid association which now exists in any county and which has already qualified for the appropriation now provided in said chapter, may, for the year 1934 only, continue its present organization, and in such case shall be entitled to receive during said year only, the appropriation provided in said chapter one hundred thirty-eight (138)."

Further amend Section 3 of committee amendment by striking "four thousand dollars (\$4,000.00)" in lines 6 and 7 and substituting "three thousand dollars (\$3,000.00)"; also striking "five thousand dollars (\$5,000.00)" in line 8 and substituting "four thousand dollars (\$4,000.00)".

WM. McARTHUR.

Amend Senate File 233 by striking section nine (9) and substituting the following:

"Section 9. The Court shall direct the Board of Supervisors to issue bonds in lieu of the outstanding Drainage bonds for said Drainage District, and additional bonds for the accrued interest and other indebtedness of said Drainage District. Said bonds shall be payable in amounts, and at the time and manner, and with priority of payments as has been determined by order of court, as provided by Section 8 hereof, and shall be called "Conservator's Drainage District Bonds". Each bond shall be numbered and shall state on its face that it is a Conservator's Drainage District bond; that it is issued in pursuance of a Resolution adopted by the Board of Supervisors, under order of Court, and giving the name of the court and the county where such court is held; that it is issued to pay indebtedness of the Drainage District; shall state the County where such district is located, and the number of the Drainage District for which it is issued; shall state the date of maturity of the bond, the rate of interest thereon, which rate shall not be less than 3½ per cent per annum, and that the bond is to be paid only from taxes assessed, levied and collected on the lands within the Drainage District for which the bond is issued. All bonds shall be signed by the Chairman of the Board of Supervisors and countersigned by the Conservator designated as such. The interest coupons attached to said bonds shall be attested by the signature of the Conservator or a facsimile thereof. When the bonds have been executed as herein required, the Conservator may sell said bonds at not less than par with accrued interest thereon, and pay the indebtedness of said Drainage District, or may exchange said bonds with the creditors of said Drainage District in amounts as has been fixed and determined by the court, and the Conservator shall cancel all Drainage bonds, Improvement Certificates, Warrants or other evidence of indebtedness received by him in lieu of the Conservator's bonds."

WM. McARTHUR.

Amend Senate File 125 by adding after Section 3 the following sections:

"Sec. 4. Any person having delinquent taxes charged against him or against his property may apply to the board of supervisors of the county wherein such taxes are payable to adjust and pay such taxes as follows:

The application shall be in writing, signed by the applicant, executed in triplicate, and shall show:

- (1) The full name and address of the applicant.
- (2) The legal description of all property against which said taxes are a lien or charge.
- (3) An itemized statement of such taxes and the total amount thereof, including interest, penalty and costs, if any.
- (4) That there has been no tax sale for any of said taxes, interest, penalty or costs.
- (5) That the applicant contracts to pay all prior and delinquent taxes, in ten equal, annual, designated payments as follows: one payment immediately upon the approval of said application, and one payment on a corresponding date each year thereafter until all said ten payments are made.

(6) That the applicant agrees that the lien of such taxes, and the obligation of applicant to pay the same shall not cease or diminish until applicant shall have made each and all of the aforesaid payments.

"Sec. 5. If the board of supervisors finds that the statements contained in said application are true and correct, it shall grant same by resolution and the chairman shall endorse such approval on the back of each triplicate application and one copy shall remain in the auditor's office, one filed with the county treasurer and one shall be forthwith delivered to the applicant. If the board finds that any required statement is not contained in said application or that any statement is not true and correct, it shall deny same.

"Sec. 6. On receipt of an approved triplicate application the county treasurer shall receive the said payments and issue receipts therefor with proper endorsements thereon referring to prior unpaid taxes and to the applicant's contract, and said receipts shall not be a bar to the collection of any of said prior taxes. But all proceedings to collect such prior taxes shall be stayed unless and until the applicant shall fail to make one or more of the contract payments when due. In case of such default, the county treasurer shall proceed to collect all of such unpaid delinquent taxes as though no contract had ever been made hereunder.

"Sec. 7. No applications hereunder referred to in sections 4, 5 and 6 shall be made or granted after March 20, 1934.

"Sec. 8. Whereas, it is imperative that taxes due and payable during the current year shall be paid before they become delinquent, and that a means of adjusting and paying unusual amounts of delinquent taxes shall be immediately provided for the many distressed property owners of the state, otherwise likely to lose their property, this act is necessary for the immediate support of the state government and its existing public institutions, and an emergency is hereby declared to exist."

Renumber remaining sections.

VINCENT F. HARRINGTON.
H. C. BALDWIN.

Amend Senate File 230 as rewritten, by striking therefrom subsection (a) of Section 2, lines 22 to 31 inclusive, page 6 of the printed bill, and by substituting therefor the following:

"(a) For the privilege of engaging or continuing within this State in the business of manufacturing, a tax of one-fourth ($\frac{1}{4}$) of one (1) per cent of the gross proceeds received from the sales of such products manufactured and delivered within the State, excluding therefrom deliveries for transportation out of the State; provided, that the amount of such tax imposed upon such proceeds from the sale of food stuffs so manufactured for human consumption and of the by-products of such manufacturing business shall be one-eighth ($\frac{1}{8}$) of one (1) per cent.

"Where the products of a manufacturer are marketed at wholesale in whole or in part through a subsidiary, the subsidiary shall be taxed at the rate provided for the manufacturer of the articles so marketed, and such subsidiary shall make a return and pay the tax upon the proceeds of sales herein taxed, and the parent concern shall not include in its return

or pay a tax on the sale or transfer of its product so marketed through its subsidiary.”

J. R. FRAILEY.

Amend Senate File 230 as rewritten by striking from Section 2, paragraph (f), lines 79 and 80, the following:

“, as a common carrier” and by inserting in lieu thereof the words “for hire”.

FRED W. NELSON.

O. P. BENNETT.

E. R. HICKLIN.

Amend Senate File 230 as re-written by striking from section 2, sub-section (i), line 126, the word “one-fourth” and inserting in lieu thereof the word “one-eighth”.

LEO ELTHON.

Amend Senate File 230 (as re-written) as follows: Section One (1), sub-section “f” line twenty-five (25) strike out the word “either”. Also add period after word year in line twenty-six (26) and strike remainder of said sub-section.

Amend sub-section “g” of Section One (1) by striking out the word “tangible” in line thirty-four (34).

Further amend sub-section “g” by striking out the word “gasoline” in line sixty-six (66) and inserting in lieu thereof the words “motor fuel”.

Amend sub-section “h” of Section One (1) by adding after the word “profit” in line eighty-six (86) the words “or loss”.

Amend sub-section “i” of Section One (1) by inserting after the word “packing” in line ninety-two (92) a “,” and inserting the words “storing or curing”.

Amend sub-section “b” of Section Two (2) by striking out all of line forty-seven (47) after the figures “\$5,000.00” and adding in lieu thereof the following: “up to and including \$6,000.00, by a rate of five per cent; on all amounts in excess of \$6,000.00 up to and including \$7,000.00, by a rate of six per cent; on all amounts in excess of \$7,000.00 up to and including \$8,000.00, seven per cent; on all amounts in excess of \$8,000.00, ten per cent.”.

Amend sub-section “c” of Section Two (2) as follows: After the figures “\$7,500.00” in line fifty-nine (59) add the words “up to and including \$10,000.00,”. Further amend sub-section “c” by changing the period in line sixty (60) to a semicolon and inserting the following: “upon all amounts in excess of \$10,000.00, by a rate of eight per cent.”.

Amend sub-section “h” of Section Two (2) as follows: After the word “illuminating” in line ninety-two (92) add the words “or fuel”. Further amend said sub-section by inserting in line one hundred eleven (111) after the word “illuminating” the words “or fuel”.

L. T. SHANGLE.

Amend Senate File 230, as rewritten, by striking from section two (2) sub-division h thereof, and substituting in lieu thereof the following:

“(h) For the privilege of engaging in, or continuing in the business of selling goods at retail through stores, agents, solicitors or otherwise,

including the business of selling electrical energy, manufactured and natural gas, straight or mixed, water or heat, and all petroleum products, crude and/or refined, except gasoline, including natural gas, transported in pipe-lines and when at rest for distribution within the state of Iowa, for sale, use and consumption in said state, where such sale is intended as a sale to the ultimate consumer and is not intended for processing or resale, the tax shall be computed by multiplying the gross receipts received or derived therefrom during the tax year, within the State of Iowa, by the following rates, to wit:

1. That portion of the gross receipts not in excess of \$50,000.00, by one half of one per cent.
2. That portion of the gross receipts in excess of \$50,000.00, and not in excess of \$100,000.00, by one per cent.
3. That portion of the gross receipts in excess of \$100,000.00 and not in excess of \$150,000.00, by one and one half per cent.
4. That portion of the gross receipts in excess of \$150,000.00, by two per cent.

For the purposes of this sub-section, every person, firm, corporation, association, partnership or agency whatsoever operating in whole or in part any store, stores or places of sale or distribution in this state, for the purpose of selling at retail any tangible personal property, or electrical energy, manufactured and natural gas, straight or mixed, water or heat, and all petroleum products, crude and/or refined, except gasoline, to consumers or users thereof, shall be considered as a single unit for the collection of taxes under this act, and the rates as provided in this act shall be applied upon the entire volume of all sales made by any such retailer, or retailers, through all retail establishments or places of business, under the management or control, in whole or in part, of such retailer, or retailers. The State Board shall provide for joint returns from the retailer in all cases where more than one retail agency, store or establishment is under the same general management, supervision, ownership or control, in whole or in part."

ROY E. STEVENS.

Amend Senate File 230, as re-written, by striking from Section eighteen (18) all of lines twenty-four (24) to sixty-eight (68) inclusive, and inserting in lieu thereof the following:

"youths subject to enumeration in such school corporations as shown by the last preceding school census bears to the total number of such youths in the state as shown by such last preceding school census."

Re-number the remaining sub-divisions of division "d" of Section 18.

Amend Senate File 230, as re-written, by adding after the word "sold" in line seventeen (17) of Section four (4) the following: "by non-resident owners".

EDW. J. WENNER.

On motion of Senator Carden, the Senate adjourned until 10:00 a. m. Thursday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 11, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Henry McCraven, pastor of the A. M. E. Church of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Opposing change in state prohibition law, but favoring local option as most effective means of liquor control. Senator Carden from Washington County Ministerial Association. Opposing state ownership and favoring city control of license fees and revocation of licenses. Senator Booth from City Council of Atlantic. Liquor control.

INTRODUCTION OF BILLS

Senate File No. 253, by committee on public schools, a bill for an act to provide for the establishment and maintenance of a sinking fund for the repairing or replacing of school property in certain independent school districts, to authorize a levy for that purpose, and to provide for the investment of such fund.

Read first and second times and placed on the calendar.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Stevens of Decatur, House File No. 235, a bill for an act to invest the Auditor of State with power to authorize treasurers of any taxing district or political sub-division in certain instances to discontinue the carrying of certain items of account on the books of his office, and to apportion certain losses in public revenues among funds in hands of the treasurers, with report of committee recommending

passage, was taken up, considered, and the report of the committee adopted.

Senator Stevens of Decatur offered the following amendment and moved its adoption:

Amend by adding as section 2 the following:

"Sec. 2. This act, being deemed of immediate importance, shall be in full force and effect from and after its publication in two newspapers of this state, as provided by law."

The amendment was adopted.

The bill was read for information.

Senator Stevens of Decatur moved that the reading just had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 28.

Aschenbrenner	Hopkins	Miller of	Roelofs
Baldwin	Irwin	Buchanan	Schmidt
Carden	Klemme	Moore	Shangle
Chrystal	Knudson	Mullaney	Stevens of
Doze	Leo	Nelson	Decatur
Geske	McArthur	Patterson	Stevens of
Harrington	Meyer	Pendray	Wapello
Hicklin		Ritchie	Tripp

Nays, 10.

Beardsley	Calhoun	Stanley	Wenner
Booth	Husted	Topping	Wilson
Byers	Miller of Jones		

Absent or not voting, 12.

Anderson	Coykendall	Frailey	Kimberly
Beatty	Elthon	Hill	Reese
Bennett	Fisch	Hush	Valentine

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Stevens of Decatur moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Doze House File No. 97, a bill for an act to amend sections forty-four hundred eighty-five (4485), forty-five hundred three (4503), and forty-five hundred five (4505), Code, 1931, and to repeal section forty-

four hundred eighty-six (4486), Code, 1931, relating to the permanent school fund, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

The following committee amendment was considered:

Amend by striking sections one and four (1 and 4) and renumbering the remaining sections.

The amendment was adopted.

Senator Calhoun offered the following amendment and moved its adoption:

Amend Sec. 2 by striking therefrom lines 5 to 10 inclusive.

The amendment was adopted.

Senator Doze moved that the reading previously had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 47.

Aschenbrenner	Frailey	McArthur	Roelofs
Baldwin	Geske	Meyer	Schmidt
Beardsley	Harrington	Miller of	Shangle
Beatty	Hicklin	Buchanan	Stanley
Bennett	Hill	Miller of Jones	Stevens of
Booth	Hopkins	Moore	Decatur
Byers	Hush	Mullaney	Stevens of
Calhoun	Husted	Nelson	Wapello
Carden	Irwin	Patterson	Topping
Chrystal	Kimberly	Pendray	Tripp
Coykendall	Klemme	Reese	Wenner
Doze	Knudson	Ritchie	Wilson
Elthon	Leo		

Nays, none.

Absent or not voting, 3.

Anderson	Fisch	Valentine
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The bill having received a constitutional majority was declared to have passed the Senate.

Senator Wilson moved to amend the title by striking the words and figures "forty-four hundred eighty-five (4485)," and the words and figures ", and to repeal section forty-four hundred eighty-six (4486)," where they appear therein.

The amendment was adopted and the title as amended was agreed to.

By unanimous consent, on motion of Senator Nelson Senate File No. 252, a bill for an act to amend chapter four hundred twenty-seven (427), code, 1931, as amended by Senate File sixty-nine (69), acts of the Forty-fifth General Assembly in extraordinary session, relating to the charges to be paid by the owner of grain at the time of the sealing of his warehouse; changing the fees of the sealer and the fees accruing to the secretary of agriculture; providing that the sealers appointed by the secretary of agriculture shall not be members of the local board—all under the unbonded agricultural warehouse board, an agricultural committee bill, was taken up, and considered.

The bill was read for information.

Senator Nelson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 43.

Aschenbrenner	Fisch	Klemme	Roelofs
Baldwin	Frailey	Knudson	Schmidt
Beardsley	Geske	Leo	Stanley
Bennett	Harrington	McArthur	Stevens of
Booth	Hicklin	Meyer	Decatur
Byers	Hill	Miller of Jones	Stevens of
Calhoun	Hopkins	Mullaney	Wapello
Carden	Hush	Nelson	Topping
Chrystal	Husted	Pendray	Tripp
Coykendall	Irwin	Reese	Wenner
Doze	Kimberly	Ritchie	Wilson
Elthon			

Nays, none.

Absent or not voting, 7.

Anderson	Miller of	Moore	Shangle
Beatty	Buchanan	Patterson	Valentine

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Calhoun moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Calhoun, Senate File 252 was messaged to the House immediately.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 109, a bill for an act relating to the limitation on expenditures of certain municipalities. VIRGIL LEKIN, *Chief Clerk*.

MOTION TO RECONSIDER HOUSE FILE 74 CONSIDERED

Senator Klemme called up for consideration his motion to reconsider the vote by which House File 74 failed to pass the Senate, as found on page 530 of the Senate Journal, and moved its adoption.

On the question, "Shall the motion to reconsider prevail?" the vote was:

Ayes, 31.

Aschenbrenner	Geske	McArthur	Reese
Beatty	Harrington	Meyer	Roelofs
Bennett	Hill	Miller of	Schmidt
Booth	Hopkins	Buchanan	Stevens of
Calhoun	Hush	Miller of Jones	Decatur
Carden	Irwin	Mullaney	Stevens of
Doze	Kimberly	Patterson	Wapello
Elthon	Klemme	Pendray	Wilson
Fisch	Leo		

Nays, 2.

Coykendall	Wenner
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Absent or not voting, 17.

Anderson	Frailey	Moore	Stanley
Baldwin	Hicklin	Nelson	Topping
Beardsley	Husted	Ritchie	Tripp
Byers	Knudson	Shangle	Valentine
Chrystal			

The motion to reconsider prevailed.

Senator Klemme moved that the vote by which House File 74 passed its third reading be reconsidered.

The motion prevailed.

Senator Patterson offered the following amendment and moved its adoption:

Amend by striking sections 1 and 2 and inserting in lieu thereof the following:

"Section 1. Sections forty-six forty-four-c fifty-eight (4644-c58),

forty-six forty-four-c fifty-nine (4644-c59) and forty-six forty-four-c sixty (4644-c60) of the code, as amended by the Acts of the Forty-fifth General Assembly, are hereby repealed."

Senator Roelofs moved that action be deferred.

The motion prevailed.

Senator Roelofs moved that the Senate resolve itself into a committee of the whole for the purpose of continuing discussion of Senate File 230 as rewritten.

The motion prevailed.

COMMITTEE OF THE WHOLE

Amendments to Senate File 230 as rewritten were considered.

Senator Wenner offered the following amendment and moved its adoption:

Amend by adding after the word "sold" in line seventeen (17) of Section four (4) the following: "by non-resident owners" .

The amendment was adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend sub-section (d) of Section four (4), by inserting after the word "state" in line seventeen (17) the words "when shipped or delivered from outside the state, directly to".

Senator Nelson moved to defer action on sub-section (d) of Section 4.

The motion prevailed.

Senator Stevens of Wapello offered the following amendment and moved its adoption:

Amend by striking from section two (2) sub-division h thereof, and substituting in lieu thereof the following:

"(h) For the privilege of engaging in, or continuing in the business of selling goods at retail through stores, agents, solicitors or otherwise, including the business of selling electrical energy, manufactured and natural gas, straight or mixed, water or heat, and all petroleum products, crude and/or refined, except gasoline, including natural gas, transported in pipe-lines and when at rest for distribution within the state of Iowa, for sale, use and consumption in said state, where such sale is intended as a sale to the ultimate consumer and is not intended for processing or resale, the tax shall be computed by multiplying the gross receipts received or derived therefrom during the tax year, within the State of Iowa, by the following rates, to wit:

1. That portion of the gross receipts not in excess of \$50,000.00, by one half of one per cent.
2. That portion of the gross receipts in excess of \$50,000.00, and not in excess of \$100,000.00, by one per cent.
3. That portion of the gross receipts in excess of \$100,000.00 and not in excess of \$150,000.00, by one and one half per cent.
4. That portion of the gross receipts in excess of \$150,000.00, by two per cent.

For the purposes of this sub-section, every person, firm, corporation, association, partnership or agency whatsoever operating in whole or in part any store, stores or places of sale or distribution in this state, for the purpose of selling at retail any tangible personal property, or electrical energy, manufactured and natural gas, straight or mixed, water or heat, and all petroleum products, crude and/or refined, except gasoline, to consumers or users thereof, shall be considered as a single unit for the collection of taxes under this act, and the rates as provided in this act shall be applied upon the entire volume of all sales made by any such retailer, or retailers, through all retail establishments or places of business, under the management or control, in whole or in part, of such retailer, or retailers. The State Board shall provide for joint returns from the retailer in all cases where more than one retail agency, store or establishment is under the same general management, supervision, ownership or control, in whole or in part."

Senator Booth offered the following amendment to the amendment and moved its adoption:

Amend by striking the word "gasoline" wherever the same appears and substituting in lieu thereof the words "motor vehicle fuel".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senators Nelson, Bennett and Hicklin offered the following amendment and moved its adoption:

Amend by striking from Section 2, paragraph (f), lines 79 and 80, the following:

" , as a common carrier" and by inserting in lieu thereof the words "for hire".

The amendment was adopted.

Senator Elthon offered the following amendment and moved its adoption:

Amend by striking from section 2, subsection (i), line 126, the word "one-fourth" and inserting in lieu thereof the word "one-eighth".

Senator Stanley moved to recess until 1:30 p. m. today.

Senator Beatty moved that the committee of the whole arise.

The motion prevailed and the Senate resumed regular session.

The Journal of January 10th was corrected and approved.

REPORTS OF COMMITTEE

Senator Leo submitted the following reports:

MR. PRESIDENT: Your committee on appropriations to which was referred Senate File 249, a bill for an act to make an appropriation to I. N. Salyers, begs leave to report it has had the same under consideration and recommends the same do pass. RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 250, a bill for an act to make an appropriation to John Wendt, begs leave to report it has had the same under consideration and returns the bill without recommendation. RICHARD V. LEO, *Chairman.*

Ordered passed on file.

AMENDMENTS FILED

Amend the amendment to Senate File 231 as follows:

1. Strike out section three (3) and insert in lieu thereof the following: "Sec. 3. Transportation. When such persons attend a public school in an adjoining state, as provided in section one (1) of this act, it shall be the duty of the board of the Iowa school district to which such persons belong to provide transportation to and from school under the same conditions that apply to such persons were they to attend the school in their home district."
2. Amend section four (4) as follows:
 1. Strike from line one (1) of said section four (4) the words "and transportation".
 2. Strike from line six (6) of said section four (4) the words "and transportation".
 3. Amend section five (5) by striking from line six (6) of said section five (5) the words "and transportation".
 4. Strike out section six (6) and renumber the following section in numerical order. CAROLYN C. PENDRAY.

Amend Senate File 243 by striking the figures "\$1.00" from line 7 of Section 1 and inserting in lieu thereof "\$2.00"; further amend by inserting after line 7 the following, "All persons legal residents of the state under 16 years of age.....\$1.00"; and further amend by striking from line 13 of said section the figures "1.75" and substituting in lieu thereof "\$2.50".

Further amend Senate File 243 by adding following Section 1 the following:

"Sec. 2. Section ten (10) of chapter thirty (30) of the Acts of the Forty-fifth General Assembly is amended by adding thereto the following:

'During the years 1934 to 1938 inclusive, the Commission shall set aside from each \$2.00 resident hunting license, the sum of \$1.50, and from each \$2.50 resident combination license, the sum of \$1.00, which amounts shall be expended by the Commission prior to the first day of January, 1940, for acquisition, establishment, and maintenance of public shooting grounds, acquisition and restoration of marsh and lake areas suitable for breeding areas for migratory wild fowl, establishment and improvement of upland game refuges and producing areas and game management areas, and development of new lakes and improvement of present lakes.'

Also further amend by renumbering Sec. 2 as Sec. 3.

MIKE G. FISCH, *Chairman.*

Amend Senate File 230 (as re-written) by striking all of Section 18 and inserting in lieu thereof the following:

"Sec. 18. Ratio and manner of distribution.

1. The revenue distributable under section 2 of this act shall be allocated to the several counties of the state in the same proportion that the total amount of general taxes levied and spread on the books on the taxable real and tangible personal property in that county bears to the total general taxes levied and spread on the books on the taxable real and tangible personal property in the state.

2. On August 1, 1934, and annually thereafter the board shall certify to the county treasurer of each county in the state the total amount of the money which has been apportioned and/or is then apportionable to that county.

3. The county treasurer shall then apply the amounts so apportioned to the relief of the several property taxpayers of that county by entering a credit against the second installment of the general tax of such taxpayer, the amount of such credit to be determined by the proportion which such taxpayer's total general taxes levied and spread on the books on taxable real and tangible personal property bears to the total general taxes levied and spread on the books on the taxable real and tangible personal property in that county. The amount of money so credited shall be distributed from said funds in the hands of the County Treasurer in the same manner as though said amounts had been paid by the taxpayer. In the event that such property taxpayer has paid his taxes in full prior to date of credit application, the county treasurer shall nevertheless enter the aforesaid credit which shall entitle such taxpayer to refund thereof."

VINCENT F. HARRINGTON.

EDW. J. WENNER.

GEO. A. WILSON.

D. MYRON TRIPP.

H. C. BALDWIN.

F. C. BYERS.

CLYDE H. TOPPING.

CHRIS REESE.

ROY E. STEVENS.

Amend Senate File 230 as re-written as follows:

1. Amend by inserting after the (,) following the word salaries in line 35 of sub-section (b), section 2 the words "interest or dividend, including stock dividends,"

2. Amend sub-section (c) of Section 2 by striking from lines 50 and 51 the words "interest or dividend, including stock dividends,".

LEO ELTHON.

1. Amend Senate File 230, as rewritten, by striking the comma (,) after the word "business" in line 32 of Section one (1); further amend by inserting in line 33 of Section one (1) after the word "business" the word "or", and strike the words "sales and the value".

2. Also, amend Section two (2), in line 131, by inserting after the word "grain" the word "and", and striking the words "and securities". Further amend, by striking the word "receipts" in line 136, and inserting in lieu thereof, the word "income".

3. Further amend Section two (2), line 162, by striking the word "receipts" and inserting in lieu thereof the word "income".

E. R. HICKLIN.

Amend Senate File 230, as re-written, by striking from line 55 of Section 2 the figures "\$2500.00" in both places where it appears and inserting in lieu thereof "\$1,000.00"; further amend by striking from lines 56 and 57 the figures "\$5,000.00" and inserting in lieu thereof \$2,000.00"; further amend by striking from lines 58 and 59 the figures \$7,500.00" and inserting in lieu thereof "\$3,000.00".

Further amend by striking the word "four" in line 60 and substituting in lieu thereof "five".

Also amend by striking the remainder of sub-section (c) of section 2 following the period in line 60.

W. R. RITCHIE.

Amend Senate File 230 as rewritten by adding to the end of Section 3 thereof the following:

"(g) Credit unions organized under the provisions of Chapter 416-A 1, Code, 1931."

E. R. HICKLIN.

1. Amend Senate File 230, as rewritten, Section two (2) by inserting after the word "done" in line eight (8) the words "within this state". Further amend said Section two (2) by striking the word "non-resident" in line eleven (11) and striking the word "in" in line twelve (12) and inserting in lieu thereof "partly in and partly outside", and inserting in line fourteen (14) after the word "located" the words "partly in and partly".

2. Amend Section seven (7) by inserting after the comma (,) following the word "act", the following, "in excess of deduction named in Section five (5) hereof,". Further amend by inserting after the word "business" in line ten (10) of said section, the following, "or in case of non-residents the office of the state treasurer, Des Moines, Iowa. Such registration shall be a prerequisite to the privilege of doing business in the State of Iowa, and any person or corporation, who neglects or refuses to register as required by this Act, or who, having registered, refuses or neglects to pay the tax herein imposed, or otherwise to comply with the requirements of this Act shall be denied the privilege of doing business in this State."

E. R. HICKLIN.

Amend Senate File 230, as rewritten, by striking Sections twenty-two and twenty-three (22 and 23) and renumbering the following sections.

WARREN F. MILLER.

Amend Senate File No. 230 (as rewritten) as follows:

Amend Section Two (2), line ninety-nine (99) by striking out the words "one-half of".

Further amend Section Two (2), line one hundred one (101) by striking the words "one per cent" and insert in lieu thereof "one and one-half per cent."

Further amend Section Two (2), line one hundred three (103) by striking out the words "one and one-half per cent." and insert in lieu thereof "two per cent."

Further amend Section Two (2), line one hundred five (105) by striking the words "two per cent." and insert in lieu thereof "two and one-half per cent."

Further amend Section Two (2), line one hundred twenty-six (126) by striking the words "one-fourth" and inserting in lieu thereof "one-eighth".

Further amend Section Two (2), line one hundred thirty-one (131) by striking the words "dealers in livestock", and inserting in lieu thereof "dealers, speculators on Exchange Boards and/or Boards of Trade in livestock,".

Amend Section Three (3), line twenty-two (22) by changing the period to a comma and adding "agricultural fairs, live stock and/or poultry shows."

Further amend Senate File No. 230 as rewritten by striking Section Five (5) and renumbering the remaining sections. L. T. SHANGLE.

Amend Senate File 230, as rewritten, as follows:

Amend sub-section (g) of Section one (1), by striking from line 45, the word "proceedings", and inserting in lieu thereof the word "proceeding". E. R. HICKLIN.

Amend Senate File 230, as rewritten, as follows:

1. Amend sub-section (k) of Section two (2), by inserting before the word "engaging" in line 138, the words "the privilege of".

2. Further amend by inserting in sub-section (l) of Section two (2), in line 142, before the word "engaging", the words "the privilege of".

3. Further amend by inserting in sub-section (m) of Section two (2), before the word "engaging" in line 153, the words "the privilege of".

4. Further amend said sub-section (m) of Section two (2), by striking the word "mining", in line 154, and substituting in lieu thereof the words "mine-operating". E. R. HICKLIN.

Amend Senate File 230, as rewritten, as follows:

Amend sub-section (c) of Section two (2), by striking from line 51, the word "dividend", and substituting in lieu thereof the word "dividends". E. R. HICKLIN.

Amend Senate File 230, as rewritten, as follows:

Amend Section two (2), by adding thereto as sub-section (p) the following:

"(p) No tax shall be imposed upon any agent where the principal of such agent is taxed upon the privilege of receiving the same income, or for transacting the same business." E. R. HICKLIN.

Amend Senate File 230, as rewritten, by striking sub-section (j) of Section Two (2), and substituting in lieu thereof the following:

"(j) For the privilege of engaging or continuing in the business of dealing in personal property, but excluding those businesses generally known and described as jobbers, wholesalers or retailers, and including dealers in securities, and those dealers in livestock, grain and produce, where by established usage and custom quantities of such commodities are sold within a short time of their purchase, a tax measured by the gross income of such business multiplied by a rate of one per cent."

E. R. HICKLIN.

Amend Senate File 230, as rewritten, by striking all of sub-section "j" of Section 2, and inserting in lieu thereof the following:

"j. For the privilege of engaging in or continuing in the business of a "trader", as hereinafter defined, the amount of the tax levied and imposed by this act shall be equal to the gross income received or derived from such business during the tax year, multiplied by a rate of one-twentieth of one per cent.

For the purpose of this sub-section, a "trader" shall only mean a person, partnership or corporation, other than a jobber, wholesaler or retailer, who deals in the purchase of personal property on his or its own account, for the purpose of resale and gain." D. MYRON TRIPP.

Amend Senate File 230, as rewritten, as follows:

Amend sub-section (b) of Section two (2), by striking the word "business" in line 32, and inserting in lieu thereof the word "privilege".

Also amend by striking the word "receipts" in line 37 of said sub-section, and inserting in lieu thereof the word "income". E. R. HICKLIN.

Amend Senate File 230, as rewritten, by striking from lines 50 and 51 of sub-section "c" of Section 2, the following: "interest or dividend, including stock dividends,".

Further amend Senate File 230, as rewritten, by adding immediately following sub-section "c" of Section 2, between lines 66 and 67, the following:

"For the privilege of engaging or continuing in any business where the gross income is represented by interest or dividends, including stock dividends, the tax levied and imposed by this act shall be equal to the gross receipts received from such business multiplied by a rate of one per cent."

D. MYRON TRIPP.

Amend Senate File 230, as rewritten, by striking from line 9 thereof of Section two (2), the phrase "and every". E. R. HICKLIN.

On motion of Senator Beatty the Senate adjourned until 10:00 a. m. Friday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 12, 1934.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. S. C. Wadding, pastor of the Park Avenue Presbyterian Church of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring allocation of tax revenue back to state school districts as a property replacement tax. Senator Wilson from Polk County School Boards. Tax revision and reorganization.

Opposing change in state prohibition laws during present session. Senator Patterson from citizens of Arnold Park. Liquor control.

Favoring sale of liquor by licensed individuals, under state control; also sale of liquor in licensed hotels, restaurants and clubs. Senator Hicklin from citizens of Columbus Junction and Muscatine. Liquor control.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me as Secretary of the Senate, a proof of publication from the Times-Republican, a weekly newspaper published in Corydon, Iowa, relating to Senate File 244, an act to legalize the proceedings relating to the issuing of bonds by the Independent School District of Corydon, in the county of Wayne.

BYRON G. ALLEN, *Secretary of the Senate.*

INTRODUCTION OF BILLS

Senate File No. 254, by committee on county and township affairs, a bill for an act to legalize acts and proceedings of board of directors of the rural independent school district number two, Fremont Township, Winneshiek County, Iowa, and to legalize an

election held in said school district and to legalize the school building bonds of said school district.

Read first and second times and placed on the calendar.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Meyer House File No. 118, a bill for an act to make permanent the transfers of county funds in Butler County to the poor fund from the maintenance fund, where said transfers were originally made with the approval of the Director of the Budget, with report of committee without recommendation, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Meyer moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 28.

Anderson	Fisch	Leo	Mullaney
Aschenbrenner	Geske	McArthur	Nelson
Baldwin	Hicklin	Meyer	Reese
Bennett	Hill	Miller of	Schmidt
Byers	Hopkins	Buchanan	Stevens of
Carden	Irwin	Miller of Jones	Decatur
Doze	Kimberly	Moore	Wilson
Elthon	Klemme		

Nays, 12.

Beardsley	Calhoun	Hush	Stanley
Beatty	Coykendall	Husted	Tripp
Booth	Frailey	Shangle	Wenner

Absent or not voting, 10.

Chrystal	Patterson	Roelofs	Topping
Harrington	Pendray	Stevens of	Valentine
Knudson	Ritchie	Wapello	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Meyer moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the

House has failed to adopt Senate Concurrent Resolution No. 5, a concurrent resolution relative to a revision of the rules of procedure and statutes relative thereto, now and customarily in use by the Iowa legislature.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 141, a bill for an act to legalize the proceedings of the board of directors of the Elgin-Brainard Cooperative Company of Elgin, Iowa.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 232, a bill for an act relating to the execution and delivery of treasurers' deeds conveying real estate sold at tax sale; to prohibit the delivery of such deeds until December 2, 1935, and to extend the period of redemption.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 292, a bill for an act providing for the control by the state of the alcohol liquor traffic; licensing and revenue; creating a liquor control commission, prescribing its powers and duties; and providing for enforcement and penalties for violations. VIRGIL LEKIN, *Chief Clerk*.

SPECIAL ORDER SENATE FILE 125 CONSIDERED

The time arrived for the consideration of special order on Senate File 125.

On motion of Senator Baldwin Senate File No. 125, a bill for an act providing for the compromise of taxes on real estate for the year 1932 and/or any prior year or years, and providing for redemption from tax sales thereof and repealing all Acts or parts of Acts in conflict herewith and declaring an emergency, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senators Harrington and Baldwin offered the following amendment and moved its adoption:

Amend by adding after Section 3 the following sections:

"Sec. 4. Any person having delinquent taxes charged against him or against his property may apply to the board of supervisors of the county wherein such taxes are payable to adjust and pay such taxes as follows:

The application shall be in writing, signed by the applicant, executed in triplicate, and shall show:

- (1) The full name and address of the applicant.
- (2) The legal description of all property against which said taxes are a lien or charge.
- (3) An itemized statement of such taxes and the total amount thereof, including interest, penalty and costs, if any.

(4) That there has been no tax sale for any of said taxes, interest, penalty or costs.

(5) That the applicant contracts to pay all prior and delinquent taxes, in ten equal, annual, designated payments as follows: one payment immediately upon the approval of said application, and one payment on a corresponding date each year thereafter until all said ten payments are made.

(6) That the applicant agrees that the lien of such taxes, and the obligation of applicant to pay the same shall not cease or diminish until applicant shall have made each and all of the aforesaid payments.

"Sec. 5. If the board of supervisors finds that the statements contained in said application are true and correct, it shall grant same by resolution and the chairman shall endorse such approval on the back of each triplicate application and one copy shall remain in the auditor's office, one filed with the county treasurer and one shall be forthwith delivered to the applicant. If the board finds that any required statement is not contained in said application or that any statement is not true and correct, it shall deny same.

"Sec. 6. On receipt of an approved triplicate application the county treasurer shall receive the said payments and issue receipts therefor with proper endorsements thereon referring to prior unpaid taxes and to the applicant's contract, and said receipts shall not be a bar to the collection of any of said prior taxes. But all proceedings to collect such prior taxes shall be stayed unless and until the applicant shall fail to make one or more of the contract payments when due. In case of such default, the county treasurer shall proceed to collect all of such unpaid delinquent taxes as though no contract had ever been made hereunder.

"Sec. 7. No application hereunder referred to in sections 4, 5 and 6 shall be made or granted after March 20, 1934.

"Sec. 8. Whereas, it is imperative that taxes due and payable during the current year shall be paid before they become delinquent, and that a means of adjusting and paying unusual amounts of delinquent taxes shall be immediately provided for the many distressed property owners of the state, otherwise likely to lose their property, this act is necessary for the immediate support of the state government and its existing public institutions, and an emergency is hereby declared to exist."

Renumber remaining sections.

The amendment was lost.

Senator Baldwin offered the following amendment and moved its adoption:

Amend by inserting after the word "taxes" in line 16 of section 1 the phrase "due and delinquent thereon which has been sold for taxes".

The amendment was adopted.

President N. G. Kraschel took the chair at 10:43 a. m.

Senator Beatty offered the following amendment and moved its adoption:

Amend section 1 by striking from line 6 the words “, general or special,” and inserting before the word “taxes” the word “general”.

The amendment was adopted.

Senator Baldwin offered the following amendments and moved their adoption :

Amend Section 5 by striking from line 4 the words “Cascade Pioneer” and inserting in lieu thereof the words “Oakville Sentinel”; also by striking from line 5 the word “Cascade” and inserting in lieu thereof the word “Oakville”.

The amendments were adopted.

Action was deferred temporarily.

MOTION TO HEAR GOVERNOR'S MESSAGE

Senator Valentine moved that the Senate recess at 11:00 a. m. without formal adoption of a resolution, in order to proceed to the House to hear a message delivered in joint session by Governor Clyde L. Herring.

The motion prevailed.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint session.

The Senate proceeded to the House under direction of the sergeant-at-arms.

JOINT SESSION

The joint convention was called to order, Lieutenant Governor Kraschel in the chair.

Lieutenant Governor Kraschel announced the presence of a quorum and the joint convention duly organized.

Lieutenant Governor Kraschel presented Governor Herring, who appeared before the Joint Convention for the purpose of presenting the urgent necessity for emergency legislation to continue work now being done in Iowa under the Civil Works Administration with the assistance of Federal Funds.

Governor Herring then introduced Mr. E. H. Mulock, State Chairman of the Emergency Relief Committee and Administrator for the State of Iowa of Civil Works Administration.

REMARKS BY E. H. MULOCK

MEMBERS OF THE LEGISLATURE:

Beginning January fifteenth, when Iowa made its first application to the federal government for Emergency Relief funds, we have received and spent from the federal government \$4,199,813 of federal money for the relief of unemployed in the State of Iowa. In addition to the federal funds, the counties of the State of Iowa have appropriated and used for unemployment relief \$3,867,700, making a total for unemployment relief of \$8,067,513 for the year 1933. Please bear in mind that this amount of money was for the relief of unemployment only and that the counties of the state of Iowa appropriated and used for their pauper poor funds approximately \$2,250,000, making a total of \$10,317,513 expended in Iowa for relief in 1933. From January fifteenth, 1933, to June first, 1933, the federal funds allotted to Iowa came through the Reconstruction Finance Corporation. Beginning June first, the funds were received from the federal Emergency Relief Administration, and beginning in July first, 1933, we were advised that it would be necessary for the State of Iowa, or the political sub-divisions thereof, to match upon the basis of one to three every dollar received from the federal government. On August fourteenth, 1933, the state administration was advised by Mr. Harry L. Hopkins, Federal Administrator of Emergency relief funds, as follows: "I am wondering if you could drop me a note and let me know how Iowa proposes to get its share of relief funds this fall. I gather the Special Session has been postponed until November. I, furthermore, assume that it is perfectly clear that Iowa is going to have to put some money into relief work this winter."

Since the receipt of this letter we have been asked by the federal authorities in Washington what Iowa was going to do, many, many times, and I wish to call to your attention at this time that on account of having completely exhausted our federal funds that it is absolutely necessary that an appropriation by this Legislature be made at an early date, or, without question, further federal funds will not be given to us.

To explain the government's position of granting one dollar for every three expended for public funds for unemployment relief, I will illustrate by the fact that in July, August and September, of 1933, we spent in Iowa for unemployment relief \$1,602,000, of which \$913,000 was federal funds which we were allowed to use in our total expenditures, and that we were granted for the months of October, November and December, \$534,000, or one-third of the total of \$1,602,000.

It would seem that in coming before this body to ask for an appropriation that the amount of the appropriation requested should be a definitely stipulated figure. However, in this case it is an absolute impossibility to do this, and I will tell you why: Prior to the Civil Works Administration program in Iowa, we estimated in the early part of October making allowances for any benefits that might come to the state from the National Recovery program that Iowa would have need of \$6,900,000, for relief program in 1934, which would make a grant from the federal government of \$2,300,000, and the appropriations from the state, or other political

sub-divisions of the state, of \$4,600,000. The Civil Works Administration program came into being the early part of November and as a result of it we are entirely at a loss to make an estimate with any degree of accuracy as to the relief needs in the State of Iowa for 1934. Up to and including tomorrow, January thirteenth's payroll, we will have paid out in Civil Works Administration payrolls in Iowa \$5,600,000. As far as we know at this time the Civil Works Administration program is only to continue until February fifteenth, 1934. However, we have reason to believe, and much hope, that it will be continued until at least April fifteenth. In view of this uncertainty, I believe you will appreciate that it is very hard to say what the Emergency Relief unemployment needs for Iowa will be in 1934, but from our understanding and knowledge of this great problem, I am recommending to this body an appropriation of not less than three million dollars.

In this connection I wish to call your attention to the fact that a great many of the states have already made and used large appropriations for relief and that Iowa is one of the few in number that has not contributed anything. The Governor of the state of Missouri called a special session of the Legislature the middle of October and in the call he stated that one of the important duties of the session was to pass some Emergency Relief legislation. I am authoritatively advised that all federal funds were suspended by the federal Emergency Relief Administration on February ninth because they had been in session eighty days and had not yet made any appropriation for relief of unemployment in their state. I do not wish to make this a threat to this body, but I am sure that if our Legislature does not make some appropriation that we will meet with the same treatment as the state of Missouri has received and that failure to cooperate by you with the federal government will be exceedingly detrimental to the best interests of the State of Iowa.

Senator Patterson moved that the President of the Senate and the Speaker of the House, each appoint three members of the Senate and House, respectively, whose duty it shall be to prepare promptly and submit to this session of the General Assembly, recommendations as to appropriations for Emergency Relief and means of raising such funds necessary to meet the problems presented by the Governor, and Mr. Mulock, director of emergency relief.

Motion prevailed.

Senator Wilson moved that the joint session be now dissolved.

Motion prevailed.

The Senate returned to the Senate chamber and resumed regular session.

CONSIDERATION OF SENATE FILE 125 RESUMED

Senator Baldwin offered the following amendment and moved its adoption:

Amend section 1 by striking from line 8 the word "shall" and inserting in lieu thereof the word "may".

The amendment was adopted.

The bill was read for information.

Senator Baldwin moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Aschenbrenner	Frailey	Meyer	Schmidt
Baldwin	Geske	Miller of	Shangle
Beardsley	Hicklin	Buchanan	Stevens of
Beatty	Hopkins	Miller of Jones	Decatur
Bennett	Husted	Moore	Stevens of
Booth	Irwin	Mullaney	Wapello
Byers	Kimberly	Nelson	Topping
Carden	Klemme	Patterson	Tripp
Chrystal	Leo	Reese	Valentine
Coykendall	McArthur	Roelofs	Wilson
Doze			

Nays, 5.

Calhoun	Hush	Stanley	Wenner
Fisch			

Absent or not voting, 7.

Anderson	Harrington	Knudson	Ritchie
Elthon	Hill	Pendray	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Baldwin moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

On motion of Senator Klemme, the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel.

By unanimous consent, on request of Senator Nelson, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 255, by committee on county and township affairs, a bill for an act to legalize action of the Board of Supervisors of Story County, Iowa, in making expenditures from the Story County Insane Fund for the purpose of paying the expenses and maintenance of the Story County Home.

Read first and second times and placed on the calendar.

Senate File No. 256, by committee on claims, a bill for an act to make an appropriation to the City of Waterloo, Iowa.

Read first and second times and referred to committee on appropriations.

Senate File No. 257, by committee on claims, a bill for an act to make an appropriation to the Soldier Valley Mutual Telephone and Telegraph Company.

Read first and second times and referred to committee on appropriations.

Senate File No. 258, by committee on claims, a bill for an act to make an appropriation to B. Agard.

Read first and second times and referred to committee on appropriations.

Senate File No. 259, by committee on claims, a bill for an act to make an appropriation to Robert A. Miller.

Read first and second times and referred to committee on appropriations.

Senate File No. 260, by committee on claims, a bill for an act to make an appropriation to Dan Rhodes.

Read first and second times and referred to committee on appropriations.

Senate File No. 261, by committee on claims, a bill for an act to make an appropriation to Lewis G. Rodman, administrator of the Estate of Alfred Franklin Rodman, deceased.

Read first and second times and referred to committee on appropriations.

Senate File No. 262, by committee on claims, a bill for an act to make an appropriation to Merwin Walker.

Read first and second times and referred to committee on appropriations.

Senate File No. 263, by committee on claims, a bill for an act to make an appropriation to Cornell College.

Read first and second times and referred to committee on appropriations.

Senate File No. 264, by committee on county and township affairs, a bill for an act to amend section ten thousand eight hundred thirty-seven (10837) of the 1931 code of Iowa relating to costs and fees in the office of the Clerk of the District Court.

Read first and second times and placed on the calendar.

HOUSE MESSAGES CONSIDERED

House File 232, a bill for an emergency act relating to the execution and delivery of treasurers' deeds conveying real estate sold at tax sale; to prohibit the delivery of such deeds until December 2, 1935, and to extend the period of redemption.

Read first and second times and referred to committee on emergency legislation.

House File 292, a bill for an act to promote temperance in the State of Iowa; to create a Liquor Control Commission; to prescribe its powers, duties, and to provide for the control by such commission of the alcoholic liquor traffic within the State of Iowa, and to provide for the licensing thereof and revenue therefrom; to provide for the enforcement and to prescribe the penalties for violation of this Act; to provide for the confiscation and disposal of property seized under the provisions hereof; to provide for the abatement of nuisances created by the violation of this Act; to provide for periodical audits of the Commission; to fix penalties, prescribe procedure, and to repeal Chapter forty-two (42) of the Acts of the forty-fifth (45) General Assembly, Chapters ninety-four (94) to one hundred four (104), inclusive, which includes Sections nineteen hundred twenty-two (1922) to and including Section twenty-one hundred eighty (2180) of the nineteen hundred thirty-one (1931) Code of Iowa, and any and all laws or parts of laws inconsistent with this Act.

Read first and second times and referred to committee on liquor control.

Senator Beatty moved that the Senate resolve itself into a committee of the whole for the purpose of considering tax revision bills.

The motion prevailed.

COMMITTEE OF THE WHOLE

Amendments to Senate File 230 as rewritten were considered.

Senator Beatty moved that the committee of the whole take up the amendments by section, deferring action on amendments whose authors were absent.

The motion prevailed.

Senator Irwin was called to the chair at 1:45 p. m.

By unanimous consent, on request of Senator Elthon, his amendment to section 2 (i) as found on page 615 of the Senate Journal and upon which action was deferred as shown on page 623 of the Senate Journal, was withdrawn from further consideration.

Senator Ritchie offered the following amendment and moved its adoption:

Amend by striking from line 55 of Section 2 the figures "\$2500.00" in both places where it appears and inserting in lieu thereof "\$1,000.00"; further amend by striking from lines 56 and 57 the figures "\$5,000.00" and inserting in lieu thereof "\$2,000.00"; further amend by striking from lines 58 and 59 the figures "\$7,500.00" and inserting in lieu thereof "\$3,000.00".

Further amend by striking the word "four" in line 60 and substituting in lieu thereof "five".

Also amend by striking the remainder of sub-section (c) of section 2 following the period in line 60.

The amendment was lost.

Senator Tripp offered the following amendments and moved their adoption:

Amend by striking from lines 50 and 51 of sub-section "c" of Section 2, the following: "interest or dividend, including stock dividends,".

Further amend by adding immediately following sub-section "c" of Section 2, between lines 66 and 67, the following:

"For the privilege of engaging or continuing in any business where the gross income is represented by interest or dividends, including stock dividends, the tax levied and imposed by this act shall be equal to the gross receipts received from such business multiplied by a rate of one per cent."

Senator Elthon offered the following amendment to the amendments and moved its adoption:

Amend by striking the words "one per cent" from lines 11 and 12 and inserting in lieu thereof the following:

"one-half of one per cent on such income, up to and including \$1,000.00; on all amounts in excess of \$1,000.00 up to and including \$2,000.00, by a rate of one per cent; on all amounts in excess of \$2,000.00 up to and including \$3,000.00, by a rate of two per cent; on all amounts in excess of \$3,000.00 up to and including \$4,000.00, by a rate of three per cent; on all amounts in excess of \$4,000.00 up to and including \$5,000.00, by a rate of four per cent; on all amounts in excess of \$5,000.00, by a rate of five per cent".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Hicklin offered the following amendment and moved the adoption of the first half of the amendment:

Amend by striking the comma (,) after the word "business" in line 32 of Section one (1); further amend by inserting in line 33 of Section one (1) after the word "business" the word "or", and strike the words "sales and the value".

The first half of the amendment, to the semi-colon, was adopted.

Action was deferred on the second half of the amendment.

Senator Hicklin offered the following amendment and moved its adoption:

Amend sub-section (g) of Section one (1), by striking from line 45, the word "proceedings", and inserting in lieu thereof the word "proceeding".

The amendment was adopted.

Senator Hicklin offered the following amendments and moved their adoption:

Amend Section two (2) by inserting after the word "done" in line eight (8) the words "within this state". Further amend said Section two (2) by striking the word "non-resident" in line eleven (11) and striking the word "in" in line twelve (12) and inserting in lieu thereof "partly in and partly outside", and inserting in line fourteen (14) after the word "located" the words "partly in and partly".

The amendments were adopted.

Senator Hicklin offered the following amendments and moved their adoption: •

Amend sub-section (b) of Section two (2), by striking the word "business" in line 32, and inserting in lieu thereof the word "privilege".

Also amend by striking the word "receipts" in line 37 of said sub-section, and inserting in lieu thereof the word "income".

The amendments were adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend by striking from line 9 thereof of Section two (2), the phrase "and every".

The amendment was adopted.

By unanimous consent, on request of Senator Hicklin, his amendment to Sec. 2 (c) line 51, as found on page 627 of the Senate Journal, was withdrawn.

Senator Hicklin offered the following amendments and moved their adoption:

1. Amend sub-section (k) of Section two (2), by inserting before the word "engaging" in line 138, the words "the privilege of".

2. Further amend by inserting in sub-section (l) of Section two (2), in line 142, before the word "engaging", the words "the privilege of".

3. Further amend by inserting in sub-section (m) of Section two (2), before the word "engaging" in line 153, the words "the privilege of".

4. Further amend said sub-section (m) of Section two (2), by striking the word "mining", in line 154, and substituting in lieu thereof the words "mine-operating".

The amendments were adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend by adding to the end of Section 3 thereof the following:

"(g) Credit unions organized under the provisions of Chapter 416-A 1, Code, 1931."

The amendment was adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend Section two (2), line 162, by striking the word "receipts" and inserting in lieu thereof the word "income".

The amendment was adopted.

Senator Hicklin offered the following amendments and moved their adoption:

Amend Section seven (7) by inserting after the comma (,) follow-

ing the word "act", the following, "in excess of deduction named in Section five (5) hereof,". Further amend by inserting after the word "business" in line ten (10) of said section, the following, "or in case of non-residents the office of the state treasurer, Des Moines, Iowa. Such registration shall be a prerequisite to the privilege of doing business in the State of Iowa, and any person or corporation, who neglects or refuses to register as required by this Act, or who, having registered, refuses or neglects to pay the tax herein imposed, or otherwise to comply with the requirements of this Act shall be denied the privilege of doing business in this State."

Senator Hicklin offered the following amendment to the amendment and moved its adoption:

Amend line 2 by inserting after the word "act" the following: "in line 3".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Frailey offered the following amendment and moved its adoption:

Amend by striking therefrom subsection (a) of Section 2, lines 22 to 31 inclusive, page 6 of the printed bill, and by substituting therefor the following:

"(a) For the privilege of engaging or continuing within this State in the business of manufacturing, a tax of one-fourth ($\frac{1}{4}$) of one (1) per cent of the gross proceeds received from the sales of such products manufactured and delivered within the State, excluding therefrom deliveries for transportation out of the State; provided, that the amount of such tax imposed upon such proceeds from the sale of food stuffs so manufactured for human consumption and of the by-products of such manufacturing business shall be one-eighth ($\frac{1}{8}$) of one (1) per cent.

"Where the products of a manufacturer are marketed at wholesale in whole or in part through a subsidiary, the subsidiary shall be taxed at the rate provided for the manufacturer of the articles so marketed, and such subsidiary shall make a return and pay the tax upon the proceeds of sales herein taxed, and the parent concern shall not include in its return or pay a tax on the sale or transfer of its product so marketed through its subsidiary."

Senator Frailey offered the following amendments to the amendment and moved their adoption:

Amend line 5 by striking therefrom the word and figure "one-fourth ($\frac{1}{4}$)" and inserting in lieu thereof the word and figure "one-half ($\frac{1}{2}$)"; also by striking from line 11 thereof the word and figure "one-eighth ($\frac{1}{8}$)" and inserting in lieu thereof the word and figure "one-fourth ($\frac{1}{4}$)".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend Section two (2), by adding thereto as sub-section (p) the following:

"(p) No tax shall be imposed upon any agent where the principal of such agent is taxed upon the privilege of receiving the same income, or for transacting the same business."

The amendment was adopted.

Senator Hicklin moved that the committee of the whole arise.

The motion prevailed and the Senate resumed regular session.

CALL OF THE SENATE

MR. PRESIDENT: We, the undersigned Senators, request a call of the Senate for the legislative day of January 12th and until noon of January 13, 1934.

CHAS. D. BOOTH
JOHN K. VALENTINE
JOHN M. CALHOUN
H. D. MILLER
FRANK C. BYERS
LAFE HILL
CHRIS REESE

WM. MCARTHUR
FRED W. NELSON
CLAUDE STANLEY
EDW. J. WENNER
L. H. MEYER
M. X. GESKE
RICHARD V. LEO

Senator Frailey raised the point of order that, if desired, a roll call can be had, on a call of the Senate, and asked for a roll call.

The President pro tempore held the point not well taken and read rule 5 as follows: "Thirteen members may have a call of the Senate, and absent members sent for and their attendance enforced. A motion to recess or adjourn to a specified time will not raise the call."

Senator Frailey moved that rule 5 be suspended as to Saturday.

Roll call was demanded.

Senator Hicklin raised the point of order that there being a call of the Senate in force, all absent members would have to be obtained before a roll call could be had.

The President held the point of order well taken.

Senator Frailey moved that all absent Senators be excused from the call.

Senator Booth moved to amend by adding “, until tomorrow morning.”

The amendment to the motion was adopted.

The motion as amended was adopted and the call was declared complete.

On the question “Shall the motion to suspend rule 5 prevail?” the vote was:

Ayes, 15.

Aschenbrenner	Chrystal	Moore	Stevens of
Baldwin	Fisch	Patterson	Wapello
Beardsley	Frailey	Ritchie	Topping
Beatty	Hicklin	Schmidt	Wenner

Nays, 31.

Booth	Hopkins	McArthur	Reese
Byers	Hush	Meyer	Roelofs
Calhoun	Husted	Miller of	Shangle
Carden	Irwin	Buchanan	Stanley
Coykendall	Kimberly	Miller of Jones	Stevens of
Doze	Klemme	Mullaney	Decatur
Elthon	Knudson	Nelson	Tripp
Geske	Leo	Pendray	Valentine
Hill			

Absent or not voting, 4.

Anderson	Bennett	Harrington	Wilson
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The motion was lost.

SPECIAL COMMITTEE APPOINTED

The President pro tempore announced that the President had appointed as the Senate members of the joint committee, authorized by the joint convention of the General Assembly, to study questions of emergency relief, Senators Patterson, Harrington and Coykendall.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Doze, Senate File No. 244, a bill for an act to legalize the proceedings relating to the issuing of bonds by the Independent School District of Corydon, in the County of Wayne, State of Iowa, and the proceedings providing for the levying of an annual tax for the payment of said bonds and declaring said bonds enforceable obligations of said School District, a judiciary No. 2 committee bill, was taken up and considered.

The bill was read for information.

Senator Doze moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Aschenbrenner	Frailey	Knudson	Pendray
Baldwin	Geske	Leo	Reese
Beardsley	Hicklin	McArthur	Ritchie
Booth	Hill	Meyer	Shangle
Byers	Hopkins	Miller of	Stevens of
Calhoun	Hush	Buchanan	Decatur
Carden	Husted	Miller of Jones	Stevens of
Coykendall	Irwin	Mullaney	Wapello
Doze	Kimberly	Nelson	Topping
Elthon	Klemme	Patterson	Wenner

Nays, none.

Absent or not voting, 13.

Anderson	Fisch	Roelofs	Tripp
Beatty	Harrington	Schmidt	Valentine
Bennett	Moore	Stanley	Wilson
Chrystal			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Doze moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

HOUSE FILE 74 RESUMED

Senator Klemme called up for consideration, House File 74, upon which action was deferred as shown on page 622 of the Senate Journal.

Senator Patterson called up for consideration his amendment as found on pages 621 and 622 of the Senate Journal and moved its adoption:

Senator Patterson offered the following amendment to the amendment and moved its adoption:

Amend by striking from line 4 the word "and" and inserting in lieu thereof a comma "(,)" ; also by inserting in line 5 after the figures "(4644-c60)" the following: ", forty-six forty-four-c sixty-one (4644-c61), forty-six forty-four-c sixty-two (4644-c62), forty-six forty-four-c sixty-three (4644-c63), and forty-six forty-four-c sixty-four (4644-c64)".

Roll call was demanded.

On the question "Shall the amendment to the amendment be adopted?" the vote was:

Ayes, 9.

Aschenbrenner	Kimberly	Miller of	Patterson
Elthon	Leo	Buchanan	Pendray
Hush			Ritchie

Nays, 34.

Baldwin	Doze	Klemme	Stanley
Beardsley	Fisch	Knudson	Stevens of
Beatty	Frailey	Meyer	Decatur
Booth	Geske	Miller of Jones	Stevens of
Byers	Hicklin	Moore	Wapello
Calhoun	Hill	Mullaney	Topping
Carden	Hopkins	Reese	Tripp
Chrystal	Husted	Roelofs	Valentine
Coykendall	Irwin	Shangle	Wenner

Absent or not voting, 7.

Anderson	Harrington	Nelson	Wilson
Bennett	McArthur	Schmidt	

The amendment to the amendment was lost.

By unanimous consent, on request of Senator Patterson, his pending amendment as shown on pages 621 and 622 of the Senate Journal was withdrawn.

Senator Frailey invoked rule 6.

The President pro tempore held the point of order well taken, and directed the Senator speaking to confine his remarks to the bill.

Senator Klemme moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?" the vote was:

Ayes, 12.

Beardsley	Hopkins	Kimberly	Miller of Jones
Beatty	Hush	Klemme	Mullaney
Elthon	Irwin	Leo	Roelofs

Nays, 31.

Aschenbrenner	Fisch	Miller of	Stevens of
Baldwin	Frailey	Buchanan	Decatur
Booth	Geske	Moore	Stevens of
Byers	Hicklin	Nelson	Wapello
Calhoun	Hill	Patterson	Topping
Carden	Husted	Pendray	Tripp
Chrystal	Knudson	Reese	Valentine
Coykendall	Meyer	Shangle	Wenner
Doze		Stanley	

Absent or not voting, 7.

Anderson
Bennett

Harrington
McArthur

Ritchie
Schmidt

Wilson

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

RULING ON CALL OF THE SENATE

Senator Frailey raised the point of order that there is no call of the Senate in force, as a call must designate a bill or purpose; that the call on file does not so designate.

The President held that inasmuch as the Senate refused to raise the call by roll call either by a majority or two-thirds vote, and that calls previously had were of the same nature as the one now on file, the call is in order.

However, the chair was inclined to believe that the point is well taken and that hereafter there should be a certain purpose, question or bill designated. He further pointed out that a call can be raised by a majority vote and the Senate can excuse one or more or all of the Senators or that rule 5 can be suspended by a two-thirds vote of the Senate.

COPIES OF SENATE FILE 230 AS REWRITTEN

By unanimous consent, on request of Senator Nelson, 600 extra copies of Senate File 230 as rewritten were ordered printed.

The Journal of January 11th was corrected and approved.

On motion of Senator Calhoun the Senate adjourned until 10:00 a. m. Saturday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 13, 1934.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Dean Caldwell of the College of the Bible of Drake University, Des Moines, Iowa.

There being a call of the Senate on file, roll call revealed the presence of all Senators except Senators Aschenbrenner, Elthon, Frailey, Harrington, Knudson, McArthur, Patterson, Ritchie and Topping.

By unanimous consent, on his own request, Senator Hicklin was excused early.

By unanimous consent, on request of Senator Wenner, all absent senators were excused from the call and for the day.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Opposing state-owned liquor stores, favoring state control of taxed private stores. Senator Fisch from citizens of Battle Creek, and City Council of Battle Creek. Liquor control.

Opposing Senate File 180. Senator Patterson from Emmet County Farm Bureau. Agriculture.

Favoring old age pension bill. Senator Valentine from voters of Davis county. Judiciary No. 2.

Favoring House File 228, relative to establishing hydro electric power commission. Senator Bennett from John Harold Kemble Post, V. F. W., Muscatine. Departmental affairs.

PROOFS OF PUBLICATION

I hereby certify that there has been filed with me as Secretary of the Senate, a proof of publication from the Decorah Public Opinion, a weekly

newspaper published in Decorah, Winneshiek County, Iowa, relating to Senate File 254, a bill for an act to legalize acts and proceedings of Board of Directors of the Rural Independent School District Number Two, Fremont Township, Winneshiek County, Iowa.

Also: A proof of publication from the Arrow, a weekly newspaper published at Rolfe, Pocahontas County, Iowa, relating to Senate File 251, a bill for an act to legalize and validate certain warrants of Pocahontas County, Iowa.

Also: A proof of publication from the Whiting Argus, a newspaper published at Whiting, Monona County, Iowa, relating to Senate File 246, a bill for an act to legalize the proceedings relating to the issuing of bonds by the Consolidated School District of Whiting, in the county of Monona, State of Iowa. BYRON G. ALLEN, *Secretary of the Senate.*

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled Senate Files 109 and 141.

HOMER HUSH, *Chairman Senate Committee.*
WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as president of the Senate, he had signed in the presence of the Senate, Senate Files 109 and 141.

BILLS SENT TO THE GOVERNOR

Senator Hush, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 13th day of January, 1934, sent to the Governor for his approval Senate Files 109 and 141. HOMER HUSH, *Chairman.*

Passed on file.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Bennett, Senate File No. 246, a bill for an act to legalize the proceedings relating to the issuing of bonds by the Consolidated School District of Whiting, in the County of Monona, State of Iowa, and the pro-

ceedings providing for the levying of an annual tax for the payment of said bonds and declaring said bonds enforceable obligations of said School District, a judiciary No. 2 committee bill, was taken up and considered.

Senator Bennett offered the following amendment and moved its adoption:

Amend section 2 by providing for publication in the Whiting Argus and the Onawa Democrat.

The amendment was adopted.

The bill was read for information.

Senator Bennett moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Anderson	Coykendall	Kimberly	Reese
Baldwin	Doze	Klemme	Schmidt
Beardsley	Fisch	Leo	Shangle
Beatty	Geske	Meyer	Stanley
Bennett	Hicklin	Miller of	Stevens of
Booth	Hill	Buchanan	Decatur
Byers	Hopkins	Miller of Jones	Tripp
Calhoun	Hush	Mullaney	Valentine
Carden	Husted	Nelson	Wenner
Chrystal	Irwin	Pendray	Wilson

Nays, none.

Absent or not voting, 12.

Aschenbrenner	Knudson	Patterson	Stevens of
Elthon	McArthur	Ritchie	Wapello
Frailey	Moore	Roelofs	Topping
Harrington			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Bennett moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

Senator Mullaney asked unanimous consent to withdraw House File 160 from the committee on motor vehicles and place it on the calendar.

Objection was raised.

Senator Hill moved that House File 160 be withdrawn from the committee on motor vehicles and placed on the calendar.

Senators Knudson, McArthur and Elthon appeared in the senate chamber, and the call was declared complete.

Senator Reese moved the previous question, which motion prevailed.

Roll call was demanded.

Senator Beardsley raised the point of order that Senator Mullaney had made the closing speech and all further speeches were out of order.

The chair ruled the point of order well taken.

On the question "Shall the motion prevail?" the vote was:

Ayes, 34.

Anderson	Elthon	Knudson	Reese
Baldwin	Fisch	Leo	Roelofs
Beardsley	Geske	McArthur	Shangle
Beatty	Hill	Meyer	Stanley
Bennett	Hopkins	Miller of Jones	Stevens of
Calhoun	Hush	Moore	Decatur
Carden	Husted	Mullaney	Stevens of
Coykendall	Irwin	Nelson	Wapello
Doze	Klemme	Pendray	Wenner

Nays, 5.

Booth	Kimberly	Miller of	Schmidt
Byers		Buchanan	

Absent or not voting, 11.

Aschenbrenner	Harrington	Ritchie	Valentine
Chrystal	Hicklin	Topping	Wilson
Frailey	Patterson	Tripp	

The motion prevailed and House File 160 was placed on the calendar.

By unanimous consent, on motion of Senator Klemme, Senate File No. 254, a bill for an act to legalize acts and proceedings of board of directors of the rural independent school district number two, Fremont Township, Winneshiek County, Iowa, and to legalize an election held in said school district and to legalize the school building bonds of said school district, a county and township affairs committee bill, was taken up and considered.

The bill was read for information.

Senator Klemme moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 39.

Anderson	Elthon	McArthur	Roelofs
Beardsley	Fisch	Meyer	Schmidt
Beatty	Geske	Miller of	Shangle
Bennett	Hill	Buchanan	Stanley
Booth	Hush	Miller of Jones	Stevens of
Byers	Husted	Moore	Decatur
Calhoun	Irwin	Mullaney	Stevens of
Carden	Kimberly	Nelson	Wapello
Chrystal	Klemme	Pendray	Wenner
Coykendall	Knudson	Reese	Wilson
Doze	Leo		

Nays, none.

Absent or not voting, 11.

Aschenbrenner	Harrington	Patterson	Tripp
Baldwin	Hicklin	Ritchie	Valentine
Frailey	Hopkins	Topping	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Klemme moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator McArthur, Senate File No. 217, a bill for an act to amend Section fifteen forty-six-a one (1546-a1), Code, 1931, by striking out certain provisions relating to the Limitation of fee for the furnishing or procurement of employment by an employment agency and enacting a substitute therefor, a labor committee bill, was taken up and considered.

By unanimous consent, on request of Senator McArthur, House File 264 was substituted for Senate File 217.

On motion of Senator McArthur House File No. 264, a bill for an act to amend section fifteen forty-six-a one (1546-a1), Code, 1931, by striking out certain provisions relating to the Limitation of fee for the furnishing or procurement of employment by an employment agency and enacting a substitute therefor; and to amend section fifteen hundred fifty-one-c two (1551-c2), code, 1931, relating to the licensing of certain employment agencies, was taken up and considered.

Senator McArthur offered the following amendments and moved their adoption:

Amend line 1 of the title by inserting the word "hundred" after the word "fifteen"; also by inserting in line 1 of section 1 after the word "fifteen" the word "hundred".

The amendments were adopted.

The bill was read for information.

Senator McArthur moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Anderson	Doze	McArthur	Schmidt
Baldwin	Elthon	Meyer	Shangle
Beardsley	Geske	Miller of	Stanley
Beatty	Hopkins	Buchanan	Stevens of
Bennett	Hush	Miller of Jones	Decatur
Booth	Husted	Mullaney	Stevens of
Byers	Irwin	Nelson	Wapello
Calhoun	Kimberly	Pendray	Valentine
Carden	Knudson	Reese	Wenner
Chrystal	Leo	Roelofs	Wilson
Coykendall			

Nays, none.

Absent or not voting, 12.

Aschenbrenner	Harrington	Klemme	Ritchie
Fisch	Hicklin	Moore	Topping
Frailey	Hill	Patterson	Tripp

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator McArthur moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator McArthur, Senate File 217, a companion bill, was withdrawn from further consideration.

By unanimous consent, on request of Senator Husted, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 265, by committee on drainage, a bill for an act to amend section eighteen hundred twelve (1812) of the

Code, 1931, relative to the jurisdiction of the State Board of Conservation over streams and lakes, and extending such jurisdiction to all streams and lakes of the State of Iowa.

Read first and second times and placed on the calendar.

The Journal of January 12th was corrected and approved.

AMENDMENT FILED

Amend Senate File 230, as rewritten, by striking all of sub-section "f" of Section 1, and substituting in lieu thereof, the following:

"f. The term 'tax year' or 'taxable year' means the calendar year."

D. MYRON TRIPP.

On motion of Senator Shangle, the Senate adjourned until 10:00 a. m. Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 15, 1934.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. M. V. Higbee, pastor of the First Presbyterian Church of Boone.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Opposing tax on fraternal insurance. Senator Wenner from Catholic Order of Foresters, Waterloo. Senator Hush from Woodmen's Circle of Red Oak. Tax revision and reorganization.

Opposing state ownership of liquor stores; favoring city control of license fees and revocation of licenses. Senator Hush from City Council, Pacific Junction. Liquor control.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Patterson for the day, on request of Senator Beardley; Senator Aschenbrenner for the day, on request of Senator Doze; Senator Moore for the day, on request of Senator Baldwin.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the governor announcing that he had signed, on the tenth day of January, the following bills:

Senate File 74, relating to the expenditure by cities or towns in aiding in the purchase of land for state parks.

Senate File 91, relating to the closing of schools because of lack of attendance.

Senate File 229, relating to legalizing the re-incorporation of the First Methodist Episcopal Church of Nora Springs, Floyd County.

Senate File 238, relating to payment of the expenses of the special corporation commission.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Ritchie, Senate File No. 251, a bill for an act to legalize and validate certain warrants of Pocahontas county, Iowa, and the proceedings taken by the Board of Supervisors of said county authorizing and providing for the issuance of bonds to fund and retire said warrants and the proceedings making provision for the levy of taxes to pay said bonds, a county and township affairs committee bill, was taken up and considered.

The bill was read for information.

Senator Ritchie moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 35.

Anderson	Frailey	Leo	Roelofs
Baldwin	Geske	McArthur	Schmidt
Beardsley	Harrington	Meyer	Shangle
Bennett	Hill	Miller of Jones	Stanley
Booth	Hopkins	Mullaney	Stevens of
Calhoun	Hush	Nelson	Decatur
Carden	Irwin	Pendray	Topping
Coykendall	Kimberly	Reese	Tripp
Doze	Klemme	Ritchie	Valentine

Nays, 5.

Elthon	Husted	Miller of	Wenner
Fisch		Buchanan	

Absent or not voting, 10.

Aschenbrenner	Chrystal	Moore	Stevens of
Beatty	Hicklin	Patterson	Wapello
Byers	Knudson		Wilson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Ritchie moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator McArthur, House File No. 188, a bill for an act to make permanent the transfer of Ten Thousand Dollars (\$10,000.00), from the Bovine Tubercular

Eradication Fund, in Hancock County, to the Poor Fund of said County, said Fund having been originally made with the approval of the Director of the Budget, November 23rd, 1932, with report of committee without recommendation, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator McArthur moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Anderson	Geske	McArthur	Roelofs
Baldwin	Harrington	Meyer	Schmidt
Beardsley	Hicklin	Miller of	Shangle
Bennett	Hill	Buchanan	Stanley
Calhoun	Hopkins	Miller of Jones	Stevens of
Carden	Hush	Mullaney	Decatur
Doze	Irwin	Nelson	Topping
Elthon	Kimberly	Pendray	Valentine
Fisch	Klemme	Reese	Wenner
Frailey	Leo	Ritchie	

Nays, 4.

Beatty	Coykendall	Husted	Tripp
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Absent or not voting, 9.

Aschenbrenner	Chrystal	Moore	Stevens of
Booth	Knudson	Patterson	Wapello
Byers			Wilson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator McArthur moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

Senator Harrington moved that the Senate resolve itself into a committee of the whole for the purpose of considering tax revision bills.

The motion prevailed.

COMMITTEE OF THE WHOLE

Consideration of amendments to Senate File 230 as rewritten was resumed.

Senator Tripp offered the following amendment and moved its adoption:

Amend by striking all of sub-section "f" of Section 1, and substituting in lieu thereof, the following:

"f. The term 'tax year' or 'taxable year' means the calendar year."

The amendment was adopted.

By unanimous consent, on request of Senator Elthon, his amendments to section 2, (a) and (b), as found on page 625 of the Senate Journal, were withdrawn.

Senator Hicklin called up for consideration, his amendments to sec. 4 (d), upon which action was deferred as shown on page 622 of the Senate Journal, and moved its adoption.

The amendment was adopted.

By unanimous consent, on request of Senator Shangle, his amendments to section 2 (h), as found on page 627 of the Senate Journal, were withdrawn.

By unanimous consent, on request of Senator Shangle, his amendment to section 2 (i) line (126), as found on page 627 of the Senate Journal, was withdrawn.

Senator Tripp offered the following amendment and moved its adoption:

Amend by striking all of sub-section "j" of Section 2, and inserting in lieu thereof the following:

"j. For the privilege of engaging in or continuing in the business of a "trader", as hereinafter defined, the amount of the tax levied and imposed by this act shall be equal to the gross income received or derived from such business during the tax year, multiplied by a rate of one-twentieth of one per cent.

For the purpose of this sub-section, a "trader" shall only mean a person, partnership or corporation, other than a jobber, wholesaler or retailer, who deals in the purchase of personal property on his or its own account, for the purpose of resale and gain."

The amendment was adopted.

By unanimous consent, on request of Senator Hicklin, his amendment to section 2 (j), as found on page 626 of the Senate Journal, was withdrawn.

By unanimous consent, on request of Senator Hicklin, his amend-

ment to section 2 (j), as found on page 628 of the Senate Journal, was withdrawn.

By unanimous consent, on request of Senator Shangle, his amendment to Section 2 (j), as found on page 627 of the Senate Journal, was withdrawn.

Senator Shangle offered the following amendment and moved its adoption:

Amend Section Three (3), line twenty-two (22) by changing the period to a comma and adding "agricultural fairs, live stock and/or poultry shows."

The amendment was adopted.

Senator Shangle offered the following amendment and moved its adoption:

Amend by striking Section Five (5) and renumbering the remaining sections.

Roll call was demanded.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 15.

Anderson	Knudson	Mullaney	Stanley
Byers	Meyer	Pendray	Stevens of
Coykendall	Miller of Jones	Ritchie	Decatur
Harrington	Moore	Shangle	Wenner

Nays, 29.

Baldwin	Elthon	Husted	Reese
Beardsley	Fisch	Irwin	Schmidt
Beatty	Frailey	Kimberly	Stevens of
Bennett	Geske	Klemme	Wapeilo
Booth	Hicklin	Leo	Topping
Calhoun	Hill	Miller of	Valentine
Carden	Hopkins	Buchanan	Wilson
Doze	Hush	Nelson	

Absent or not voting, 6.

Aschenbrenner	McArthur	Roelofs	Tripp
Chrystal	Patterson		

The amendment was lost.

Senator Miller of Buchanan offered the following amendment and moved its adoption:

Amend by striking Sections twenty-two and twenty-three (22 and 23) and renumbering the following sections.

The amendment was adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend by striking the first five lines of Section four (4) thereof, and by substituting for the lines so stricken the following:

"Sec. 4. Exemptions. There are hereby specifically exempted from the provisions of this Act, and from the computation of the amount of tax imposed by it, the following:"

The amendment was adopted.

Senator Nelson moved that copies be made of all pending amendments, to be placed on the desks of the Senators for action this afternoon.

The motion prevailed.

Senator Harrington moved to recess until 1:30 p. m. today.

The motion prevailed.

AFTERNOON SESSION

The committee of the whole reconvened at the fall of the gavel.

Senator Beatty offered the following amendment and moved its adoption:

Amend by adding at the end of section one (1) as subsection (m) of said section one (1) the following: "(m) The term "general service business" shall include all nonprofessional activities engaged in for other persons for a consideration, which involves the rendering of a service as distinguished from the production or sale of tangible property, but shall not include the services rendered by an employee to his employer."

Senator Shangle offered the following amendment to the amendment and moved its adoption:

Amend by striking the word "tangible".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Beatty offered the following amendment and moved its adoption:

Amend by adding after subsection (a) of section eight (8) as subsection (b) of section eight (8) the following:

"(b) Any tax payer engaging or continuing during the whole or any part of the tax year in two or more kinds or classes of business as classified in this act, when making returns pursuant to the provisions of this

act, shall in such returns segregate the respective portions of gross income derived from each kind or class of business."

Renumber the remaining subsections (c) and (d).

The amendment was adopted.

Senator Beatty offered the following amendment and moved its adoption:

Amend by inserting after the period following the word "collected" in line 48 of section one (1) the following:

"Provided further the term "gross income" shall not include the proceeds of a sale of property by the owner when such sale is an isolated transaction merely incident to ownership, is not part of a series of similar transactions, and has no connection with a regular business of the owner."

The amendment was adopted.

Senator Shangle offered the following amendment and moved its adoption:

Amend sub-section (j) of Section Two (2) as amended by striking out the word "only" after the word "shall" in line six (6) and change the period at end of said section to a comma, adding the words "including dealers, speculators and traders on Boards of Trade and/or Exchange Boards."

Roll call was demanded.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 37.

Anderson	Frailey	Miller of	Stanley
Baldwin	Geske	Buchanan	Stevens of
Beardsley	Harrington	Miller of Jones	Decatur
Beatty	Hicklin	Moore	Stevens of
Bennett	Hopkins	Mullaney	Wapello
Booth	Hush	Pendray	Topping
Calhoun	Irwin	Reese,	Tripp
Coykendall	Kimberly	Ritchie	Valentine
Doze	Klemme	Roelofs	Wenner
Elthon	Leo	Shangle	Wilson
Fisch	Meyer		

Nays, none.

Absent or not voting, 11.

Aschenbrenner	Chrystal	Knudson	Patterson
Byers	Hill	McArthur	Schmidt
Carden	Husted	Nelson	

The amendment was adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend by adding an additional sub-section at the end of Section Two (2), as follows:

"The gross income of any corporation once included in computing the tax due hereunder shall not again be included as taxable gross income when distributed in the form of interest, dividends, rental, or otherwise, to affiliated corporations, 90% of the voting stock of which is owned directly or indirectly by one parent corporation, and under rules and regulations to be adopted by the Board a consolidated return may be filed by such parent corporation for all of its affiliated corporations."

Senator Wenner offered the following amendment to the amendment and moved its adoption:

Amend by striking the word "voting" after the words "90% of the".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Stevens of Wapello offered the following amendment and moved its adoption:

Amend by striking sub-division "h" of Section one (1) and by substituting in lieu thereof the following:

"h. The word 'business' shall mean, and include, any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit, or advantage, either direct or indirect."

Senator Beatty offered the following amendment to the amendment and moved its adoption:

Amend by striking from line 5 the words "by any person"; also by striking from line 6 the words "by him".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Shangle offered the following amendment and moved its adoption:

Amend by inserting as section 22 the following:

"Sec. 22. Any taxpayer that has not had the benefit of the deduction from his taxes of the Three Dollars (\$3.00) provided for in Section Five (5) of this Act shall be allowed in lieu thereof a deduction of Three Dollars (\$3.00) per annum from his property tax."

The amendment was lost.

Senator Wenner offered the following amendment and moved its adoption:

Amend by striking from Section eighteen (18) all of lines twenty-four (24) to sixty-eight (68) inclusive, and inserting in lieu thereof the following:

"youths subject to enumeration in such school corporations as shown by the last preceding school census bears to the total number of such youths in the state as shown by such last preceding school census."

Re-number the remaining sub-divisions of division "d" of Section 18.

Senator Husted moved to defer action.

Senator Beatty moved that the committee of the whole arise.

The motion prevailed and the Senate resumed regular session.

By unanimous consent, on request of Senator Hopkins, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File No. 266, by committee on claims, a bill for an act to make an appropriation to certain veterinarians employed by the Department of Agriculture in special cases to cover fees and mileage.

Read first and second times and referred to committee on appropriations.

REPORTS OF COMMITTEE

Senator Frailey submitted the following reports:

MR. PRESIDENT: Your committee on judiciary No. 1 to which was referred House File 137, a bill for an act to amend Chapter one hundred eighty (180), acts of the Forty-fifth General Assembly, relating to the appointment of referees in probate matters, begs leave to report it has had the same under consideration and returns the bill without recommendation.

J. R. FRAILEY, *Chairman.*

Ordered passed on file.

Also:

Your committee on judiciary No. 1 to which was referred House File 179, a bill for an act to amend section twelve thousand eight hundred four (12804), Code 1931, and providing for an assistant chief justice, and defining his rights, duties and powers, begs leave to report it has had the same under consideration and recommends the same do pass.

J. R. FRAILEY, *Chairman.*

Ordered passed on file.

The Journal of January 13th was corrected and approved.

CALL OF THE SENATE

MR. PRESIDENT: We the undersigned Senators, request a call of the Senate for consideration in the committee of the whole of the report to be made to the Senate on Senate Files 230 and 1, or any other tax revision measures, and also for consideration of the report of the committee of the whole to the Senate in open session, and any matters pertaining to Senate Files 230 and 1.

JOHN K. VALENTINE.

HOMER HUSH.

I. G. CRYSTAL.

G. E. ROELOFS.

WM. MCARTHUR.

CAROLYN C. PENDRAY.

CLAUDE STANLEY.

PAUL H. ANDERSON.

M. X. GESKE.

L. H. MEYER.

IRVING H. KNUDSON.

FRANK C. BYERS.

J. E. DOZE.

AMENDMENTS FILED

Amend Senate File 1, (as amended and reprinted) Section five (5), page 4 of the bill, by inserting before the word "upon" in line two (2) the following: "and ending December 31, 1935,".

Amend Section twenty-eight (28), page 29 of the bill, by inserting before the word "upon" in line two (2) the following: "and ending December 31, 1935,".

EDW. J. WENNER.

J. R. FRAILEY.

E. R. HICKLIN.

GEO. A. WILSON.

H. C. BALDWIN.

M. MOORE.

CLYDE H. TOPPING.

VINCENT F. HARRINGTON.

H. L. IRWIN.

Amend Senate File 230 as rewritten, by striking the following from Section Seventeen (17), beginning with the word "and" in line eleven (11), and ending with the word "general" in line fifteen (15).

D. MYRON TRIPP.

Amend Senate File 230 as rewritten, by adding after the period following the word "treasurer" in line nine (9) of section six (6) the following:

"The amount of the tax due and payable at the end of any quarter shall be arrived at by considering the amount of the gross income of the business during the portion of the tax year ending with such quarter, and applying to the gross income of the business for such quarter the rates which are applicable thereto under the provisions of this Act."

ORA E. HUSTED,

FRED W. NELSON.

Amend Senate File 230 as rewritten, by striking Sections nine (9), ten (10) and twelve (12), and inserting in lieu thereof as Section ten (10), eleven (11), twelve (12), thirteen (13), and fourteen (14), the following:

"Sec. 10. Errors. If a taxpayer shall make any error in computing the tax assessable against him, the Board shall correct such error or

reassess the proper amount of taxes and notify the taxpayer of its action by mailing to him promptly a copy of the corrected assessment. Any additional taxes for which such taxpayer may be liable, shall be paid to the Treasurer within ten days after the receipt of such notice. If a refund is due, the Board shall cause payment of the same to be made to the taxpayer in the manner hereinafter provided.

"Sec. 11. Faulty Assessment. Procedure. If any taxpayer having made the return provided for by this act, feels aggrieved by the assessment made upon him by the Board, he may apply to the Board by petition, in writing, within thirty days after notice is mailed to him by the Board, for a hearing and a correction of the amount of the tax so assessed upon him by the Board, in which petition shall be set forth the reasons why such hearings should be granted and why the amount of such tax should be reduced. The Board shall promptly consider such petition, and may grant such hearing or deny the same. If denied, the petitioner shall be forthwith notified thereof; if granted, the Board shall notify the petitioner of the time and place fixed for such hearing. After such hearing, the Board may make such order in the matter as may appear to it just and lawful, and shall give notice by furnishing a copy of such order to the petitioner.

"Sec. 12. Returns. Failure to Make or Correct. If any taxpayer fails or refuses to make a return or to correct an untrue return, the Board shall proceed, in such manner as to it may seem best, to obtain facts and information on which to base the assessment of the tax levied by this act; and to this end may, by itself or its duly appointed agent, make examination of the books, records and papers of any such taxpayer, and may take the testimony on oath of any person who it may believe shall be in possession of facts or information pertinent to the subject of inquiry, which oath any member of the Board, or the agent so appointed by it, may administer. As soon as possible after procuring such information as it may be able to obtain with respect to any such taxpayer, the Board shall proceed to assess the tax against such taxpayer, and shall notify him of the amount thereof. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed shall, within thirty days after the giving of notice of such determination, apply to the board for a hearing or unless the board of its own motion shall reduce the same. At such hearing evidence may be offered to support such determination or to prove that it is incorrect. After such hearing the Board shall give notice of its decision to the taxpayer liable for the tax.

"Sec. 13. Appeals.

(1) An appeal may be taken by the taxpayer to the district court of the county in which he resides, or in which his principal place of business is located, within sixty days after he shall have received notice from the Board of its order made under the provisions of any of the two preceding sections.

(2) The appeal shall be taken by a written notice to the chairman of the board and served as an original notice. When said notice is so served it shall, with the return thereon, be filed in the office of the clerk

of said district court, and docketed as other cases, with the taxpayer as plaintiff and the Board as defendant. The plaintiff shall file with such clerk a bond for the use of the defendant, with sureties approved by such clerk, in penalty at least double the amount of tax appealed from, and in no case shall the bond be less than fifty dollars, conditioned that the plaintiff shall perform the orders of the court.

(3) The court shall hear the appeal in equity and determine anew all questions submitted to it on appeal from the determination of the board. The court shall render its decree thereon and a certified copy of said decree shall be filed by the clerk of said court with the board who shall then correct the assessment in accordance with said decree. An appeal may be taken by the taxpayer or the board to the supreme court of this state in the same manner that appeals are taken in suits in equity, irrespective of the amount involved.

"Sec. 14. No injunction to restrain or decree any taxes claimed by the Board to be due, shall be issued by any Court, but in all cases in which, for any reason it shall be claimed that any tax about to be collected is wrongful or illegal in whole or in part, the remedy, except as otherwise expressly provided by this act, by appeal to the District Court, as provided in the preceding section."

Further amend Senate File 230 as rewritten, by re-numbering Section eleven (11) as Section fifteen (15), and by re-numbering Sections thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20) and twenty-one (21), as Sections sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23) and twenty-four (24), and re-numbering Section twenty-four (24) as Section twenty-five (25).

FRED W. NELSON.

Amend Senate File 230 as rewritten, as follows:

After the word "hereunder" in line one (1) of Section Six (6) insert the words "for each tax year".

Further amend by inserting after the word "out" in line five (5) of Section Six (6) the words, "a quarterly report of his gross income for such quarterly period and".

Further amend by adding after the word "quarter" in line six (6), of Section Six (6), the following: "upon the forms provided for in Section 9 of this Act."

Further amend by striking from lines seven (7) and eight (8) of Section Six (6), the words "in the form required by Section 7 of this Act,".

Further amend by adding after the word "treasurer" in line nine (9) of Section Six (6), the words, "of the county where the tax is payable."

Further amend by adding after the word "monthly" in line fifteen (15) of Section Six (6), the following: "reports,".

Amend Section Seven (7), by striking from line six (6) the following: "occupation," and from line seven (7) the following: "or profession of the person or corporation", and insert in lieu thereof after the word "business" at the end of line six (6) " , and place or places of business of the taxpayer".

Further amend by striking from Section Seven (7), the sentence beginning in line ten (10) and ending in line fourteen (14) of said Section.

Further amend Section Seven (7), by striking the sentence beginning in line fourteen (14) and ending in line seventeen (17), and insert in lieu thereof the following: "taxpayers shall at the request of the Board also supply such other information as may be reasonably necessary for the purpose of maintaining a roster of taxpayers."

Further amend Section Seven (7), by striking the word "persons" in line nineteen (19), and inserting in lieu thereof, the word "taxpayers".

Further amend Section Seven (7) by striking the last sentence thereof.

Amend Section Eight (8) by striking from line two (2) thereof, the words "person and corporation", and inserting in lieu thereof the word "taxpayer".

Further amend Section eight (8) by striking from line six (6) the word "him" and inserting in lieu thereof the words "such taxpayer".

Further amend section eight (8) by adding after the word "quarterly" in line seven (7) the following: "and/or monthly".

Further amend section eight (8) by adding after the word "provided" in line eight (8) the word "for".

Further amend section eight (8) by striking the word "his" in line eight (8) and inserting in lieu thereof the word "such".

Further amend section eight (8) by striking from lines nine (9) and ten (10) the following: "in the form provided for by section seven (7) of this act,".

Further amend section eight (8) by striking out the word "them" in line twenty-five (25) and inserting in lieu thereof the word "it".

Further amend section eight (8) by striking from line twenty-six (26) the word "make", and by striking from line twenty-seven (27) the word "showing".

Further amend section eight (8) by striking the word "report" the second time it appears in line thirty (30) and inserting in lieu thereof the words "annual return".

Further amend section eight (8) by inserting after the word "reports" in line thirty-four (34) the words "and returns".

Further amend by adding after section eight (8) thereof, as section nine (9) the following:

"The Board shall cause suitable forms and blanks to be prepared for all estimates, returns, registrations and reports required by the provisions of this Act, and upon request shall furnish the same to any tax-payer or person required to use the same. All estimates, returns, registrations and reports shall be made upon forms and blanks prepared and furnished by the Board."

Further amend by renumbering the following sections. LAFE HILL.

On motion of Senator Harrington, the Senate adjourned until 10:00 a. m. Tuesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 16, 1934.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. Harry C. Shiffler, pastor of the Highland Park Presbyterian Church of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring passage of old age pension bill. Senator Stevens of Decatur from Fraternal Order of Eagles, Creston; Senator Leo from citizens of Vinton. Judiciary No. 2.

Favoring increase of restaurant license fees. Senator Harrington from restaurant owners of Sioux City. Public health.

Favoring gross income tax to replace property tax. Senator Hicklin from Master Builder's Association, Muscatine. Tax revision and reorganization.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me as Secretary of the Senate, a proof of publication from the Nevada Evening Journal, a daily newspaper published at Nevada, Story County, Iowa, and from the Ames Daily Tribune, a daily newspaper published at Ames, Story County, Iowa, relating to Senate File 255, a bill for an act to legalize action of the Board of Supervisors of Story County, Iowa, in making expenditures from the Story County Insane Fund.

BYRON G. ALLEN, *Secretary of the Senate.*

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully

reports that it has examined and finds correctly enrolled, House Files 297 and 118.

HOMER HUSH, *Chairman Senate Committee.*
WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House Files 297 and 118.

Senator Hicklin moved that the Senate resolve itself into a committee of the whole for the purpose of discussing tax revision measures.

The motion prevailed.

COMMITTEE OF THE WHOLE

Consideration of amendments to Senate File 230 as rewritten resumed.

There being a call of the Senate on file, roll call revealed the presence of all Senators except Senator Anderson.

By unanimous consent, on request of Senator Hicklin, Senator Anderson was excused temporarily.

Senator Tripp offered the following amendment and moved its adoption:

Amend by striking the following from section seventeen (17), beginning with the word "and" in line eleven (11), and ending with the word "general" in line fifteen (15).

The amendment was adopted.

Senators Husted and Nelson offered the following amendment and moved its adoption:

Amend by adding after the period following the word "treasurer" in line nine (9) of section six (6) the following:

"The amount of the tax due and payable at the end of any quarter shall be arrived at by considering the amount of the gross income of the business during the portion of the tax year ending with such quarter, and applying to the gross income of the business for such quarter the rates which are applicable thereto under the provisions of this Act."

The amendment was adopted.

Senator Hill offered the following amendments and moved their adoption:

Amend as follows:

After the word "hereunder" in line one (1) of section six (6) insert the words "for each tax year".

Further amend by inserting after the word "out" in line five (5) of section six (6) the words, "a quarterly report of his gross income for such quarterly period and".

Further amend by adding after the word "quarter" in line six (6), of section six (6), the following: "upon the forms provided for in Section 9 of this Act."

Further amend by striking from lines seven (7) and eight (8) of section six (6), the words "in the form required by section 7 of this Act,".

Further amend by adding after the word "treasurer" in line nine (9) of section six (6), the words, "of the county where the tax is payable."

Further amend by adding after the word "monthly" in line fifteen (15) of section six (6), the following: "reports,".

Amend section seven (7), by striking from line six (6) the following: "occupation," and from line seven (7) the following: "or profession of the person or corporation", and insert in lieu thereof after the word "business" at the end of line six (6) " , and place or places of business of the taxpayer".

Further amend by striking from section seven (7), the sentence beginning in line ten (10) and ending in line fourteen (14) of said section.

Further amend section seven (7), by striking the sentence beginning in line fourteen (14) and ending in line seventeen (17), and insert in lieu thereof the following: "taxpayers shall at the request of the Board also supply such other information as may be reasonably necessary for the purpose of maintaining a roster of taxpayers."

Further amend section seven (7), by striking the word "persons" in line nineteen (19), and inserting in lieu thereof, the word "taxpayers".

Further amend section seven (7) by striking the last sentence thereof.

Amend section eight (8) by striking from line two (2) thereof, the words "person and corporation", and inserting in lieu thereof the word "taxpayer".

Further amend section eight (8) by striking from line six (6) the word "him" and inserting in lieu thereof the words "such taxpayer".

Further amend section eight (8) by adding after the word "quarterly" in line seven (7) the following: "and/or monthly".

Further amend section eight (8) by adding after the word "provided" in line eight (8) the word "for".

Further amend section eight (8) by striking the word "his" in line eight (8) and inserting in lieu thereof the word "such".

Further amend section eight (8) by striking from lines nine (9) and ten (10) the following: "in the form provided for by section seven (7) of this act,".

Further amend section eight (8) by striking out the word "them" in line twenty-five (25) and inserting in lieu thereof the word "it".

Further amend section eight (8) by striking from line twenty-six (26) the word "make", and by striking from line twenty-seven (27) the word "showing".

Further amend section eight (8) by striking the word "report" the second time it appears in line thirty (30) and inserting in lieu thereof the words "annual return".

Further amend section eight (8) by inserting after the word "reports" in line thirty-four (34) the words "and returns".

Further amend by adding after section eight (8) thereof, as section nine (9) the following:

"The Board shall cause suitable forms and blanks to be prepared for all estimates, returns, registrations and reports required by the provisions of this Act, and upon request shall furnish the same to any taxpayer or person required to use the same. All estimates, returns, registrations and reports shall be made upon forms and blanks prepared and furnished by the Board."

Further amend by renumbering the following sections.

The amendments were adopted.

Senator Nelson offered the following amendments and moved their adoption:

Amend by striking sections nine (9), ten (10) and twelve (12), and inserting in lieu thereof as section ten (10), eleven (11), twelve (12), thirteen (13), and fourteen (14), the following:

"Sec. 10. Errors. If a taxpayer shall make any error in computing the tax assessable against him, the Board shall correct such error or reassess the proper amount of taxes and notify the taxpayer of its action by mailing to him promptly a copy of the corrected assessment. Any additional taxes for which such taxpayer may be liable, shall be paid to the treasurer within ten days after the receipt of such notice. If a refund is due, the Board shall cause payment of the same to be made to the taxpayer in the manner hereinafter provided.

"Sec. 11. Faulty Assessment. Procedure. If any taxpayer having made the return provided for by this act, feels aggrieved by the assessment made upon him by the Board, he may apply to the Board by petition, in writing, within thirty days after notice is mailed to him by the Board, for a hearing and a correction of the amount of the tax so assessed upon him by the Board, in which petition shall be set forth the reasons why such hearings should be granted and why the amount of such tax should be reduced. The Board shall promptly consider such petition, and may grant such hearing or deny the same. If denied, the petitioner shall be forthwith notified thereof; if granted, the Board shall notify the petitioner of the time and place fixed for such hearing. After such hearing, the Board may make such order in the matter as may appear to it just and lawful, and shall give notice by furnishing a copy of such order to the petitioner.

"Sec. 12. Returns. Failure to Make or Correct. If any taxpayer fails or refuses to make a return or to correct an untrue return, the Board shall proceed, in such manner as to it may seem best, to obtain facts and information on which to base the assessment of the tax levied by this act; and to this end may, by itself or its duly appointed agent, make examination of the books, records and papers of any such taxpayer, and may take the testimony on oath of any person who it may believe shall be in possession of facts or information pertinent to the subject of inquiry, which oath any member of the Board, or the agent so appointed

by it, may administer. As soon as possible after procuring such information as it may be able to obtain with respect to any such taxpayer, the Board shall proceed to assess the tax against such taxpayer, and shall notify him of the amount thereof. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed shall, within thirty days after the giving of notice of such determination, apply to the board for a hearing or unless the board of its own motion shall reduce the same. At such hearing evidence may be offered to support such determination or to prove that it is incorrect. After such hearing the Board shall give notice of its decision to the taxpayer liable for the tax.

“Sec. 13. Appeals.

(1) An appeal may be taken by the taxpayer to the district court of the county in which he resides, or in which his principal place of business is located, within sixty days after he shall have received notice from the Board of its order made under the provisions of any of the two preceding sections.

(2) The appeal shall be taken by a written notice to the chairman of the board and served as an original notice. When said notice is so served it shall, with the return thereon, be filed in the office of the clerk of said district court, and docketed as other cases, with the taxpayer as plaintiff and the Board as defendant. The plaintiff shall file with such clerk a bond for the use of the defendant, with sureties approved by such clerk, in penalty at least double the amount of tax appealed from, and in no case shall the bond be less than fifty dollars, conditioned that the plaintiff shall perform the orders of the court.

(3) The court shall hear the appeal in equity and determine anew all questions submitted to it on appeal from the determination of the board. The court shall render its decree thereon and a certified copy of said decree shall be filed by the clerk of said court with the board who shall then correct the assessment in accordance with said decree. An appeal may be taken by the taxpayer or the board to the supreme court of this state in the same manner that appeals are taken in suits in equity, irrespective of the amount involved.

“Sec. 14. No injunction to restrain or decree any taxes claimed by the Board to be due, shall be issued by any Court, but in all cases in which, for any reason it shall be claimed that any tax about to be collected is wrongful or illegal in whole or in part, the remedy, except as otherwise expressly provided by this act, by appeal to the District Court, as provided in the preceding section.”

Further amend Senate File 230 as rewritten, by re-numbering Section eleven (11) as Section fifteen (15), and by re-numbering Sections thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20) and twenty-one (21), as Sections sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23) and twenty-four (24), and re-numbering Section twenty-four (24) as Section twenty-five (25).

Senator Nelson moved to amend the amendment by inserting in line 5 of Sec. 14 after the word “act,” the words “shall be”.

The amendment to the amendment was adopted.

By unanimous consent, on request of Senator Beatty, line 12 of section 11 was amended by striking the word "may" and inserting in lieu thereof the word "shall".

The amendment as amended was adopted.

By unanimous consent, on request of Senator Shangle, his amendments to section 1 (b, c, f, g, h and i) as found on page 615 of the Senate Journal, were withdrawn.

By unanimous consent, on his own request, Senator Frailey was excused for five minutes.

Senator Hicklin moved the adoption of the second half of his amendment to section 1 (g) upon which action was deferred as shown on page 640 of the Senate Journal.

The amendment was adopted.

Senator Shangle offered the following amendment and moved its adoption:

Amend Section Six (6) by striking all of said section following the period after the word "payments" in line fifteen (15).

Roll call was demanded.

Rule 8 was invoked.

On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 25.

Aschenbrenner	Fisch	Miller of Jones	Stevens of
Beatty	Geske	Mullaney	Decatur
Bennett	Hill	Pendray	Stevens of
Booth	Hush	Reese	Wapello
Carden	Knudson	Schmidt	Tripp
Chrystal	Miller of	Shangle	Valentine
Coykendall	Buchanan	Stanley	
Doze			

Nays, 22.

Baldwin	Hicklin	Leo	Ritchie
Beardsley	Hopkins	McArthur	Roelofs
Byers	Husted	Meyer	Topping
Calhoun	Irwin	Moore	Wenner
Elthon	Kimberly	Nelson	Wilson
Harrington	Klemme		

Absent or not voting, 3.

Anderson	Frailey	Patterson
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The amendment was adopted.

Senator Wenner called up for consideration his amendment to Section 18 upon which action was deferred, as shown on page 663 of the Senate Journal, and moved its adoption.

Senator Topping offered the following amendment as a substitute for all pending amendments to Section 18, and moved its adoption:

Amend by striking Sec. 18 and inserting in lieu thereof the following:

"Sec. 21. General Allocation of Revenues. All revenues arising under the operation of this act and carried by the treasurer of state in the special tax fund shall be apportioned as follows:

(a) Three per cent (3%) of said fund shall be transferred to the general fund of the state as the same is collected.

(b) The balance of said fund shall be distributed from time to time upon order of the board in accordance with the provisions of this act, on warrants drawn by the comptroller upon direction of the board and made payable to the county treasurer of the several counties of the state.

"Sec. 22. Ratio and manner of distribution. (a) The revenue distributable under paragraph two (2) of the preceding section of this act shall be allocated each year to the several counties of the state in the same proportion that the assessed valuation of the taxable real and tangible personal property in that county for the next preceding tax years bears to the assessed valuation of the total taxable real and tangible personal property in the state for the next preceding tax year.

(b) On August 1, 1934, and annually thereafter, the board shall certify to the county treasurer of each county in the state, the total amount of the money which has been apportioned and/or is then apportionable to that county.

(c) The county treasurer shall then apply the amount so apportioned to the relief of the several property taxpayers of that county by entering a credit against the second installment of the tax bill of each such taxpayer, being the tax bill of the next preceding tax year, due and payable in the current year, the amount of such credit to be determined by the proportion which the assessed valuation of such taxpayer's taxable real and tangible personal property for the next preceding tax year bears to the total assessed valuation of taxable real and tangible personal property in that county for the next preceding tax year. The amount of money so credited shall be apportioned by the county treasurer to the various taxing districts of said county the same as though the amount thereof had been paid to the treasurer of said county by the taxpayers of said taxing district. In the event that such property taxpayer has paid both installments of the tax at the time the first installment was due and payable, the county treasurer shall at the same time that he enters the aforesaid credit, remit to such property taxpayer the amount of the credit which such taxpayer would be entitled to receive."

Further amend by renumbering the sections following.

Senator Wenner called up for consideration the Husted motion to defer action on his amendment, as found on page 663 of the Senate Journal.

Senator Husted asked unanimous consent to withdraw his motion.

Objection was raised.

Senator Husted moved that his motion to defer action be withdrawn.

Roll call was demanded.

On the question, "Shall the motion prevail?" the vote was:

Ayes, 40.

Aschenbrenner	Hicklin	Miller of	Schmidt
Beardsley	Hill	Buchanan	Shangle
Beatty	Hopkins	Miller of Jones	Stanley
Bennett	Hush	Moore	Stevens of
Booth	Husted	Mullaney	Decatur
Carden	Irwin	Nelson	Stevens of
Coykendall	Kimberly	Patterson	Wapello
Doze	Klemme	Pendray	Topping
Elthon	Knudson	Reese	Tripp
Fisch	Leo	Ritchie	Wilson
Geske	Meyer	Roelofs	

Nays, 3.

Baldwin	Harrington	Wenner
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Absent or not voting, -7.

Anderson	Calhoun	Frailey	Valentine
Byers	Chrystal	McArthur	

The motion to withdraw prevailed.

Consideration of the Topping substitute was resumed.

Senator Booth raised the point of order that the statement had been erroneously made that an amendment took 26 votes to pass, whereas it only took a majority vote.

The President held the point of order well taken.

Senator Frailey moved to recess until 1:30 p. m. today.

The motion prevailed.

AFTERNOON SESSION

The committee of the whole reconvened at the sound of the gavel.

Roll call revealed the absence of Senators Anderson and Knudson.

Senator Valentine moved that Senators Anderson and Knudson be excused temporarily, their presence being requested on a roll call.

Senator Frailey moved that while this Senate is sitting as a committee of the whole that all action on the allocation sections of both Senate File 1 and Senate File 230 be deferred until such time as the committee of the whole arises and the Senate as such considers tax revision and that while we are sitting as a committee of the whole that the question of allocation in either bill be not considered in the discussion and consideration of the merits of the bills now before us.

Senator Knudson appeared in the chamber.

Senator Shangle raised the point of order that Senate File 1 had been completed in the committee of the whole; that Senate File 230, as rewritten, contained an allocation clause and the sponsors of the bill wished to amend the allocation clause, and the Senator from Lee proposed to strike out both allocation clauses, which he could not do, as the bills were not both before the committee of the whole.

The chair ruled that inasmuch as action on Senate File 230 was now before the committee of the whole, and inasmuch as our previous record of procedure was for the consideration of each bill separately, that Senate File 230 was now before the committee and the committee was considering the allocation clause thereof, the motion of Senator Frailey would only apply to the allocation clause on Senate File 230.

By unanimous consent, on request of Senator Frailey his motion was withdrawn.

Consideration of the Topping substitute for the Wenner amendment was taken up and considered.

Roll call was demanded.

Rule 8 was invoked.

On the question, "Shall the substitution be made?" the vote was:

Ayes, 35.

Aschenbrenner	Fisch	Leo	Ritchie
Beardsley	Harrington	Meyer	Roelofs
Beatty	Hicklin	Miller of	Shangle
Bennett	Hill	Buchanan	Stanley
Booth	Hopkins	Miller of Jones	Stevens of
Calhoun	Hush	Moore	Decatur
Chrystal	Husted	Mullaney	Topping
Coykendall	Klemme	Nelson	Tripp
Doze	Knudson	Reese	Valentine
Elthon			

Nays, 8.

Byers	Frailey	Kimberly	Wenner
Carden	Geske	Schmidt	Wilson

Absent or not voting, 7.

Anderson	Irwin	Patterson	Stevens of
Baldwin	McArthur	Pendray	Wapello

The substitution was made. The substitute amendment was adopted.

MOTIONS FILED

MR. PRESIDENT: I move that Senate File 1, as amended by the committee of the whole, be engrossed, introduced by the committee of the whole as a new bill, and placed on the calendar. JOHN K. VALENTINE.

MR. PRESIDENT: As a substitute for the motion by Senator Valentine, I move that Senate File 230, as rewritten and as amended by the committee of the whole, be engrossed, introduced as a new bill and placed on the calendar. E. R. HICKLIN.

Senator Wilson moved that before any action is taken on either Senate File 1 or 230, that Senate File 230 be printed as amended and that the committee of the whole arise to reconvene at 1:30 tomorrow afternoon.

The motion prevailed.

The Senate resumed regular session.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Nelson Senate File No. 255, a bill for an act to legalize action of the Board of Supervisors of Story County, Iowa, in making expenditures from the Story County Insane Fund for the purpose of paying the expenses and maintenance of the Story County Home, a county and township affairs committee bill, was taken up and considered.

The bill was read for information.

Senator Nelson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 44.

Aschenbrenner	Elthon	Leo	Ritchie
Baldwin	Frailey	McArthur	Roelofs
Beardsley	Geske	Meyer	Schmidt
Beatty	Harrington	Miller of	Shangle
Bennett	Hill	Buchanan	Stanley
Booth	Hopkins	Miller of Jones	Stevens of
Byers	Hush	Moore	Decatur
Calhoun	Husted	Mullaney	Topping
Carden	Irwin	Nelson	Valentine
Chrystal	Kimberly	Patterson	Wenner
Coykendall	Klemme	Pendray	Wilson
Doze	Knudson		

Nays, 1.

Fisch

Absent or not voting, 5.

Anderson	Reese	Stevens of	Tripp
Hicklin		Wapello	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Nelson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Chrystal, Senate File No. 62, a bill for an act to legalize the proceedings relating to an election held in the Town of Grand Junction, Greene County, Iowa, on the proposition of establishing a municipal electric light plant within said town; and to legalize the proceedings taken by the council of said town in letting a contract for the construction of said municipal electric light plant, under Sections 6134-d1 to 6134-d7, inclusive, of the Code of Iowa; and to legalize the contract entered into between said Town of Grand Junction, Iowa, and Fairbanks, Morse & Company for the construction of said municipal electric light plant, and the issuance of pledge-orders in payment thereof; and declaring said contract, and the pledge-orders issued thereunder, as valid, with report of committee recommending indefinite postponement, was taken up, and considered.

Senator Chrystal moved to substitute House File 89, also reported for indefinite postponement, for Senate File 62.

The motion prevailed and the substitution was made.

Senator Chrystal moved that the Senate reject the report.

Senator Wenner raised the point of order that the proper motion was by the chairman of the committee reporting the bill for indefinite postponement.

The President held the point well taken.

Senator Wilson moved that the report of the committee be adopted.

Roll call was demanded.

On the question, "Shall the report be adopted?" the vote was:

Ayes, 7.

Baldwin	Carden	Kimberly	Wenner
Byers	Frailey	Moore	

Nays, 39.

Aschenbrenner	Geske	Meyer	Roelofs
Beardsley	Harrington	Miller of	Schmidt
Beatty	Hill	Buchanan	Shangle
Bennett	Hopkins	Miller of Jones	Stanley
Booth	Hush	Mullaney	Stevens of
Calhoun	Husted	Nelson	Vecatur
Chrystal	Irwin	Patterson	Stevens of
Coykendall	Klemme	Pendray	Wapello
Doze	Knudson	Reese	Tripp
Elthon	Leo	Ritchie	Valentine
Fisch	McArthur		

Absent or not voting, 4.

Anderson	Hicklin	Topping	Wilson
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The report was not adopted.

On motion of Senator Chrystal House File No. 89, a bill for an act to legalize the proceedings relating to an election held in the Town of Grand Junction, Greene County, Iowa, on the proposition of establishing a municipal electric light plant within said town; and to legalize the proceedings taken by the Council of said town in letting a contract for the construction of said municipal electric light plant, under Sections 6134-d1 to 6134-d7, inclusive, of the Code of Iowa; and to legalize the contract entered into between said Town of Grand Junction, Iowa, and Fairbanks, Morse & Company for the construction of said municipal electric light plant, and the issuance of pledge-orders in payment thereof; and declaring said contract, and the pledge-orders issued thereunder, as valid, was taken up, and considered.

Senator Frailey moved the previous question, which motion prevailed.

The bill was read for information.

Senator Chrystal moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 34.

Aschenbrenner	Fisch	Leo	Ritchie
Beardsley	Harrington	McArthur	Roelofs
Bennett	Hill	Meyer	Schmidt
Booth	Hopkins	Miller of	Shangle
Calhoun	Hush	Buchanan	Stevens of
Carden	Husted	Miller of Jones	Decatur
Chrystal	Irwin	Mullaney	Stevens of
Coykendall	Klemme	Patterson	Wapello
Doze	Knudson	Pendray	Valentine
Elthon			

Nays, 11.

Baldwin	Geske	Moore	Tripp
Byers	Hicklin	Stanley	Wenner
Frailey	Kimberly	Topping	

Absent or not voting, 5.

Anderson	Nelson	Reese	Wilson
Beatty			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Chrystal moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Chrystal, Senate File 62, a companion bill to the one just passed, was withdrawn.

SENATE FILE 206 ON CALENDAR

Under rule 35, Senator Harrington called Senate File 206 from the committee on banks and banking, and placed it on the calendar.

By unanimous consent, on request of Senator Ritchie, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File 267, by committee on agriculture, a bill for an act to amend sections ninety-seven hundred seventy-nine (9779) and ninety-seven hundred eighty (9780) of the Code, 1931, relating to insurance on grain stored and sealed under the provisions of

Chapter 427, Code, 1931, providing that said insurance and the depositing of policies may be optional on all grain sealed after November 23, 1933.

Read first and second times and placed on the calendar.

Senate File 268, by committee on cities and towns, a bill for an act to amend section sixty-six hundred seven (6607), of the Code, 1931, with reference to financing the cost of swimming pools, bathing beaches, bath houses, armories, ice rinks, dance pavilions, shelter houses, wading pools and river walls, by cities under the commission form of government.

Read first and second times and placed on the calendar.

Senate File 269, by committee on cities and towns, a bill for an act providing for the segregation by the county treasurer of taxes paid in the year 1934 which were due and owing prior to January 1, 1934, and providing that the money so segregated shall be sent to the public taxing bodies in the amount due said taxing bodies and providing that the treasurer of any such taxing body shall keep an accurate list of all warrants which he stamped "unpaid for lack of funds," with the date of issuance, number of the warrant and the amount of same, and providing for the payment of the warrants which were stamped unpaid for lack of funds in the previous year out of the money so segregated, and providing for the disposition of any balance after the payment of all outstanding warrants, and authorizing the issuance of bonds in the event that the funds are insufficient to pay all outstanding warrants.

Read first and second times and placed on the calendar.

The Journal of January 15th was corrected and approved.

AMENDMENTS FILED

Amend Section 24 of Senate File 215 by adding after the period (.) in line 13 the following:

"Nothing in this chapter shall authorize the construction of a pipe line longitudinally on, over or under any railroad right of way, or at other than approximate right angle to the track, without the consent of such railroad company, nor shall any provision of this chapter authorize or give the right of condemnation or eminent domain for such purpose."

VINCENT F. HARRINGTON.

Amend Senate File 103 as follows:

Amend the title by striking the period at the end thereof and adding the following: "and getting out the form of bond".

Amend the bill by inserting after the end of section one the following:

"Sec. 2. Said bonds shall be substantially in the following form, to wit:

The City (or town) of in the State of Iowa, for value received promises to pay to bearer, in the manner hereinafter specified, the sum of dollars lawful money of the United States of America, on the day of, with interest on said sum from until paid at the rate of per cent per annum, payable annually on the day of and in each year, on presentation and surrender of the interest coupons hereto attached; both principal and interest payable at

This bond is issued by the city (or town) of pursuant to the provisions of of the code of Iowa and in conformity to a resolution of the (council or board of trustees of) of said city (or town) duly passed on the day of

This bond is one of a series of bonds of like tenor and date numbered from to, is issued for the purpose of defraying the cost of; and is not a general obligation, but is payable solely and only out of the future earnings of said; said property purchased and the net earnings of are pledged to the payment hereof. This bond is not payable in any manner by taxation and under no circumstances shall the city (or town) be in any manner liable by reason of the failure of the said net earnings to be sufficient for the payment hereof.

In testimony whereof said city (or town) by its council (or board of trustees) has caused this bond to be signed by its mayor and attested by its clerk (or by the chairman of said board of trustees and attested by the clerk of said board), with the seal of said city (or town or board of trustees) attached, this day of

Attest:

(FORM OF COUPON)

The treasurer of the city (or town) of, Iowa, will pay to bearer, out of the future earnings of, dollars on at for annual interest on its revenue bond number dated

Attest:

(facsimile signature)

Clerk of the city (or town, or of the board of trustees.)"

Amend section two (2) line one (1) by striking "2" and inserting "3" in lieu thereof.

VINCENT F. HARRINGTON.

On motion of Senator Stevens of Decatur the Senate adjourned until 10:00 a. m. Wednesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 17, 1934.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by the Rev. A. R. Weed, pastor of West Star and Worthington Churches, Winterset, and member of the House of Representatives.

PETITIONS AND MEMORIALS

The following petition was presented and referred to the designated committee:

Opposing state ownership of liquor stores. Senator Fisch from citizens of Cherokee and Sioux City. Liquor control.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator McArthur Senate File No. 53, a bill for an act to repeal chapter one hundred thirty-eight (138), title IX of the Code of 1931, relating to farm aid associations and to enact a substitute therefor relating to educational work for improving and advancing agriculture, home economics, and junior extension work in rural communities, and rural adult education in each county; and to provide county appropriation for conducting such educational work, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The following committee amendment was considered:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Chapter one hundred thirty-eight (138), title IX of the Code of 1931 is hereby repealed and the following enacted in lieu thereof.

"Sec. 2. County Aid for Agricultural Extension Service. Counties are hereby authorized to make appropriations in the manner provided for in this Act for the purpose of educational work for improving and advancing agriculture, home economics and junior extension work in rural communities and rural adult education. Such appropriation shall

be made in each county where there has been organized a County Agricultural Extension Board as hereinafter provided and hereinafter called the County Extension Board.

"Sec. 3. Appropriation—When made. When a County Extension Board has been organized as provided in this Act and this fact has been properly certified to the Board of Supervisors of said County by the Chairman and Secretary of the County Extension Board, the Board of Supervisors shall appropriate for the carrying out of said work from the General Fund of the County, not less than four thousand dollars (\$4,000.00) annually in Counties having a population of less than twenty-five thousand (25,000), and not less than five thousand dollars (\$5,000.00) annually in Counties having a population of more than twenty-five thousand (25,000) as determined by the last federal census. The Board of Supervisors shall also furnish sufficient office space for such service in the Court House or elsewhere, unless such office accommodations are provided for in a local federal building.

"Sec. 4. County Extension Board—Composition. The County Extension Board shall be composed of one member from each township, such member to be a qualified voter, an actual farm resident and actively interested in improving farm and home life. Members of the County Extension Board shall be elected for a term of one (1) year. No member shall serve more than three (3) years in succession. Failure of any member elected to the Board to qualify shall not invalidate the organization of the Board. The County Extension Board may fill any vacancy occurring in its membership.

"Sec. 5. Method of Election to County Extension Board. The township member to the County Extension Board shall be elected at a general meeting of those residents who are qualified voters, not within the incorporated limits of a city or town of each township in the County at some designated place in each township before December 15 of each year. The first meeting in each township shall be called by the County Auditor as soon as practicable after this act takes effect and all subsequent township annual meetings shall be called by the Chairman of the County Extension Board.

"The first township meetings shall be held at the same time in each township but all subsequent annual township meetings shall be at such times as the Chairman of the County Extension Board may fix.

"A schedule of the annual township meetings shall be published in an official county newspaper at least seven days before the first of said township meetings. Each township meeting shall proceed to organize itself and to elect a member to the County Extension Board which member shall be certified to the County Auditor by the chairman and secretary of the township meeting. Such certification shall be conclusive unless objection is filed, in which event all disputes as to membership shall be decided by a majority of the County Extension Board.

"The county auditor shall call the annual meeting of the County Extension Board, notifying by mail all members whose election has been certified to him, at which meeting the Board shall organize, and proceed to formulate and carry out a program of work as herein provided. The said

County Extension Board shall hold office until the annual meeting in December.

"Sec. 6. County Extension Board—Organization. The County Extension Board at its annual meeting which shall be held as soon as possible after December 15, shall elect from its own members a chairman, vice-chairman and a secretary and such other officers as may be deemed necessary.

"Sec. 7. Powers and Duties of Board. The County Extension Board shall plan the educational work for improving and advancing agriculture, home economics and junior extension work in rural communities, and rural adult education to be carried on in the county as contemplated in this Act, and shall have general administration over all funds appropriated by the County for the carrying out of the purposes of this Act.

"Sec. 8. Cooperation with Other Agencies. All work to be carried on under the provisions of this Act shall be conducted in cooperation with the Iowa State College of Agriculture and Mechanic Arts, United States Department of Agriculture, and all agencies having the distribution of federal and state aid for similar purposes.

"Sec. 9. Funds—How Used and Expended. Such County funds as may be appropriated in accordance with this Act shall remain in the custody of the County Treasurer and shall be payable by him on vouchers signed by the Chairman and Secretary of the County Extension Board, which vouchers shall indicate on their face for what purpose the payment is to be used. The County Extension Board shall determine the manner and method in which the funds appropriated under the provisions of this Act shall be expended, and in the carrying out of the work provided by this Act shall employ a person or persons qualified to conduct the work planned by the County Extension Board for the ensuing year.

"Sec. 10. No Remuneration for Officers. No remuneration or compensation of any character shall be paid to the Chairman, Vice Chairman, Secretary or any member of the County Extension Board.

"Sec. 11. False Certificates—How Punished. Any officer of the County Extension Board making any certificate herein required with knowledge of its falseness or incorrectness in any particular shall be guilty of a misdemeanor and punished accordingly.

"Sec. 12. Annual Reports—Records. The retiring Chairman and Secretary of the County Extension Board, on the first Monday in January of each year shall file with the County Auditor complete and detailed reports under oath of all expenditures made by order of the County Extension Board showing in detail to whom paid and for what purpose. A duplicate of such statement shall be sent to the Iowa State College of Agriculture and Mechanic Arts, and a duplicate shall be sent to the United States Department of Agriculture together with such additional information as may be required. The books, papers, and records of the County Extension Board shall be open to inspection at all times.

"Sec. 13. Neither the County Extension Board, as such, nor the employed agents may engage in any commercial or political undertaking whatsoever. Any member or employee of such Board who shall use the name of the County Extension Board in connection with any such under-

taking, shall be subject to immediate removal from office or employment.

"Sec. 14. This act being deemed of immediate importance shall be in full force and effect after its passage and publication in the *Mason City Globe-Gazette*, a newspaper published in Mason City, Iowa, and in the, a newspaper published in, Iowa."

Senator McArthur offered the following amendment to the committee amendment and moved its adoption:

Amend, by striking out section one (1) of said amendment and by inserting in lieu thereof the following:

"Section 1. Chapter one hundred thirty-eight (138), Code, 1931, is hereby repealed, and the following sections of this act are enacted in lieu thereof, provided that any farm aid association which now exists in any county and which has already qualified for the appropriation now provided in said chapter, may, for the year 1934 only, continue its present organization, and in such case shall be entitled to receive during said year only, the appropriation provided in said chapter one hundred thirty-eight (138)."

Further amend Section 3 of committee amendment by striking "four thousand dollars (\$4,000.00)" in lines 6 and 7 and substituting "three thousand dollars (\$3,000.00)"; also striking "five thousand dollars (\$5,000.00)" in line 8 and substituting "four thousand dollars (\$4,000.00)".

Senator Nelson offered the following amendment as a substitute to the pending amendment to the committee amendment, and moved its adoption:

Amend by striking all of Section 1 of the committee amendment and inserting in lieu thereof the following:

"Section 1. In order to cooperate with the United States Agricultural Adjustment Administration in putting into effect the corn-hog program and in order to cooperate with the United States Department of Agriculture and extension service in continuing the activities contemplated in chapter 138, code of 1931, in any county where no farm aid organization is able to qualify for county aid as provided in said chapter, an organization may, for the year 1934, qualify for county aid for the above mentioned purposes as hereinafter provided."

Senator Frailey raised the point of order that Senator McArthur had the closing debate and he wanted to know the sentiments of Senators representing farm interests before the closing discussion was made.

The President ruled that Senator Hopkins had the floor and had only yielded to Senator McArthur for the purpose of answering a question.

Senator Wilson was called to the chair at 10:55 a. m.

President pro tempore Harold L. Irwin returned to the chair at 11:04 a. m.

Senator McArthur spoke on the bill.

Senator Frailey raised the point of order that Senator McArthur had the closing argument and the Senate should be allowed to hear other Senators first.

The President held that Senator Nelson had the closing argument as he was the author of the last pending amendment and Senator McArthur could now discuss the amendment if he so desired.

Senator McArthur continued.

Senator Frailey raised the point of order that Senator McArthur was making his closing argument on the bill and was not discussing the pending Nelson amendment.

The President directed Senator McArthur to confine his remarks to the Nelson amendment.

By unanimous consent, on request of Senator Hill, Senator McArthur, the author of the bill, was given permission to discuss the bill or amendment at length.

Senator Frailey moved the previous question on the pending substitute amendment, which motion prevailed.

Roll call was demanded.

Rule 8 was invoked.

On the question, "Shall the substitution be made?" the vote was:

Ayes, 26.

Baldwin	Carden	Husted	Moore
Beardsley	Fisch	Kimberly	Nelson
Beatty	Frailey	Leo	Schmidt
Bennett	Geske	Meyer	Stanley
Booth	Hill	Miller of	Stevens of
Byers	Hopkins	Buchanan	Wapello
Calhoun	Hush	Miller of Jones	Wilson

Nays, 21.

Anderson	Irwin	Pendray	Stevens of
Aschenbrenner	Klemme	Reese	Decatur
Chrystal	Knudson	Ritchie	Tripp
Coykendall	McArthur	Roelofs	Valentine
Doze	Mullaney	Shangle	Wenner
Elthon	Patterson		

Absent or not voting, 3.

Harrington Hicklin Topping

The substitution was made.

Roll call was demanded on the substitute amendment.

On the question "Shall the substitute amendment be adopted?"
the vote was:

Ayes, 27.

Beardsley	Frailey	Leo	Schmidt
Beatty	Geske	Meyer	Stanley
Bennett	Hill	Miller of	Stevens of
Booth	Hopkins	Buchanan	Wapello
Byers	Hush	Miller of Jones	Topping
Calhoun	Husted	Moore	Wenner
Carden	Kimberly	Nelson	Wilson
Fisch			

Nays, 17.

Anderson	Klemme	Reese	Stevens of
Chrystal	McArthur	Ritchie	Decatur
Doze	Mullaney	Roelofs	Tripp
Elthon	Patterson	Shangle	Valentine
Irwin	Pendray		

Absent or not voting, 6.

Aschenbrenner	Coykendall	Hicklin	Knudson
Baldwin	Harrington		

The amendment as substituted was adopted.

Senator Shangle moved to recess until 1:30 p. m. today.

Senator Coykendall moved to amend by making the time 1:00
p. m.

The amendment to the motion was lost.

Roll call was demanded on the motion to recess.

On the question, "Shall the motion prevail?" the vote was:

Ayes, 24.

Anderson	Hush	Reese	Topping
Aschenbrenner	Irwin	Roelofs	Tripp
Baldwin	McArthur	Schmidt	Valentine
Beatty	Miller of	Shangle	Wenner
Bennett	Buchanan	Stanley	Wilson
Calhoun	Mullaney	Stevens of	
Hopkins	Nelson	Decatur	

Nays, 23.

Beardsley	Doze	Husted	Miller of Jones
Booth	Elthon	Kimberly	Moore
Byers	Fisch	Klemme	Patterson
Carden	Frailey	Knudson	Pendray
Chrystal	Geske	Leo	Stevens of
Coykendall	Hill	Meyer	Wapello

Absent or not voting, 3.

Harrington	Hicklin	Ritchie
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The motion prevailed and the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel, and immediately resolved itself into a committee of the whole, as provided by Senator Wilson's motion as found on page 677 of the Senate Journal.

COMMITTEE OF THE WHOLE

Senator Wilson moved that the call of the Senate be temporarily suspended, and that the committee of the whole arise for the purpose of finishing consideration of Senate File 53.

By unanimous consent, on request of Senator Wilson his motion was withdrawn.

There being a call of the Senate on file, roll call revealed the presence of all Senators except Senator Patterson.

Senator Frailey moved that Senator Patterson be excused temporarily.

The motion prevailed.

Senator Valentine called up for consideration the following motion and moved its adoption:

I move that Senate File 1, as amended by the committee of the whole, be engrossed, introduced by the committee of the whole as a new bill, and placed on the calendar.

Senator Hicklin called up for consideration his substitute as follows and moved its adoption:

As a substitute for the motion by Senator Valentine, I move that Senate File 230, as rewritten and as amended by the committee of the whole, be engrossed, introduced as a new bill and placed on the calendar.

Senator Harrington moved to amend the substitute motion by striking the words and figures "Senate File 230, as rewritten and" and inserting in lieu thereof the following: "Senate File 209".

Roll call was demanded.

On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 19.

Aschenbrenner	Irwin	Mullaney	Topping
Baldwin	Klemme	Reese	Tripp
Frailey	Meyer	Shangle	Wenner
Harrington	Miller of Jones	Stevens of	Wilson
Hicklin	Moore	Wapello	
Hill			

Nays, 29.

Anderson	Coykendall	Kimberly	Ritchie
Beardsley	Doze	Knudson	Roelofs
Beatty	Elthon	Leo	Schmidt
Bennett	Fisch	McArthur	Stanley
Booth	Geske	Miller of	Stevens of
Calhoun	Hopkins	Buchanan	Decatur
Carden	Hush	Nelson	Valentine
Chrystal	Husted	Pendray	

Absent or not voting, 2.

Byers	Patterson
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The amendment to the substitute motion was lost.

Senator Wilson was called to the chair at 2:17 ½ p. m.

Senator Irwin returned to the chair at 2:25 p. m.

Senator Patterson appeared in the Senate chamber and the call was declared complete.

Senator Ritchie moved the previous question, which motion prevailed.

Roll call was demanded on the substitution.

On the question, "Shall the substitution be made?" the vote was:

Ayes, 27.

Aschenbrenner	Frailey	Leo	Reese
Baldwin	Hicklin	Miller of	Stevens of
Beardsley	Hill	Buchanan	Wapello
Beatty	Hopkins	Miller of Jones	Topping
Bennett	Husted	Moore	Tripp
Booth	Irwin	Mullaney	Wenner
Coykendall	Klemme	Nelson	Wilson
Fisch			

Nays, 23.

Anderson	Elthon	McArthur	Schmidt
Byers	Geske	Meyer	Shangle
Calhoun	Harrington	Patterson	Stanley
Carden	Hush	Pendray	Stevens of
Chrystal	Kimberly	Ritchie	Decatur
Doze	Knudson	Roelofs	Valentine

Absent or not voting, none.

The substitution was made.

Senator Valentine suggested that the Senate have a *vivi voce* vote on the substituted motion to report Senate File 230, as rewritten and as amended, as a new bill and place it on the calendar.

Senator Wilson moved that the committee of the whole arise.

Senator Patterson raised the point of order that the motion to arise was out of order under rule 12 as the previous question prevailed on the Hicklin substitute, which carried with it the Valentine motion and the committee was in the midst of a vote, as it had not yet voted on the motion.

Senator Wilson moved that the committee adjourn until 9:00 a. m. tomorrow.

Senator Patterson raised the point of order that the motion to adjourn was out of order as the Senate was in the midst of a vote on the question.

Senator Wilson moved that the committee arise.

The chair ruled that the motion to arise was now in order.

Roll call was demanded.

On the question, "Shall the motion prevail?" the vote was:

Ayes, 15.

Anderson	Coykendall	McArthur	Topping
Aschenbrenner	Harrington	Miller of Jones	Wenner
Baldwin	Hill	Moore	Wilson
Byers	Irwin	Shangle	

Nays, 34.

Beardsley	Chrystal	Hopkins	Leo
Beatty	Doze	Hush	Meyer
Bennett	Elthon	Husted	Miller of
Booth	Frailey	Kimberly	Buchanan
Calhoun	Geske	Klemme	Mullaney
Carden	Hicklin	Knudson	Nelson

Patterson	Roelofs	Stevens of	Tripp
Pendray	Schmidt	Decatur	Valentine
Reese	Stanley	Stevens of	
Ritchie		Wapello	

Absent or not voting, 1.

Fisch

The motion to arise was lost.

The question was now on the substitute motion by Senator Hicklin.

Roll call was demanded.

On the question, "Shall the substitute motion be adopted?" the vote was:

Ayes, 28.

Aschenbrenner	Fisch	Leo	Reese
Beardsley	Frailey	Miller of	Stevens of
Beatty	Hicklin	Buchanan	Wapello
Bennett	Hill	Miller of Jones	Topping
Booth	Hopkins	Moore	Tripp
Calhoun	Husted	Mullaney	Wenner
Carden	Irwin	Nelson	Wilson
Coykendall	Klemme		

Nays, 21.

Anderson	Harrington	Patterson	Shangle
Byers	Hush	Pendray	Stanley
Chrystal	Kimberly	Ritchie	Stevens of
Doze	Knudson	Roelofs	Decatur
Elthon	McArthur	Schmidt	Valentine
Geske	Meyer		

Absent or not voting, 1.

Baldwin

The substitute motion was adopted.

Senator Beardsley moved that the committee arise.

The motion prevailed and the Senate resumed regular session.

By unanimous consent, on request of Senator Leo, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File 270, by committee on appropriations, a bill for an act to make an appropriation to the state board of education from the primary road fund for the purpose of defraying a portion of the expense attending the construction of a viaduct under

highway Number 218 at or near its intersection with Tenth Street in the city of Vinton, Iowa, for the protection, in part, of the inmates of the state school for the blind.

Read first and second times and placed on the calendar.

Senate File 271 by committee on claims, a bill for an act to make an appropriation to the Secretary of War.

Read first and second times and referred to committee on appropriations.

REPORTS OF COMMITTEE

Senator Leo submitted the following reports:

MR. PRESIDENT: Your committee on appropriations to which was referred Senate File 266, a bill for an act to make an appropriation to certain veterinarians employed by the Department of Agriculture in special cases to cover fees and mileage, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 263, a bill for an act to make an appropriation to Cornell College, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 261, a bill for an act to make an appropriation to Lewis G. Rodman, administrator of the Estate of Alfred Franklin Rodman, deceased, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 260, a bill for an act to make an appropriation to Dan Rhodes, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also :

Your committee on appropriations to which was referred Senate File 259, a bill for an act to make an appropriation to Robert A. Miller, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also :

Your committee on appropriations to which was referred Senate File 258, a bill for an act to make an appropriation to B. Agard, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also :

Your committee on appropriations to which was referred Senate File 257, a bill for an act to make an appropriation to the Soldier Valley Mutual Telephone and Telegraph Company, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also :

Your committee on appropriations to which was referred Senate File 256, a bill for an act to make an appropriation to the City of Waterloo, Iowa, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

The Journal of January 16th was corrected and approved.

AMENDMENTS FILED

Amend section three (3) of the committee amendment to Senate File 53 by adding after the comma following the word "Board" in line four (4) the following: "when such certificate is accompanied by a petition asking for the appropriation, signed by at least fifty per cent (50%) of the resident farmers of said county living outside the corporate limits of the cities and towns in said county,".

CLAUDE STANLEY.

Amend House Concurrent Resolution No. 7 by adding after the word "finance" and before the word "May" as found near the bottom of page 234 of the House Journal of November 28, the following:

"Be It Further Resolved, That whereas the government has insured to the producers of cotton, wheat and corn a fair price by pegging the price

of said articles, by making loans to the owners thereof at a fixed price, and by other methods, and

"Whereas, A very large number of the farmers of the state of Iowa and other states are engaged in the production of hogs and market none of the products above named, but in many instances are called upon to purchase corn to feed the hogs, and

"Whereas, The present low price of hogs is ruinous and is resulting in additional bankruptcies and loss of homes and

"Whereas, This action on the part of the government has resulted in very unjust discrimination to the hog raiser, now, therefore,

We urge upon the President, the Secretary of Agriculture and the Agricultural Administration, that the price of hogs be immediately pegged by the government at \$6 per hundred, conditioned, however, that the differential between what the producer receives for his hogs upon the open market and the \$6 shall be paid by the government to those producers only who sign the Corn Hog Program for the coming year."

WM. S. BEARDSLEY.

On motion of Senator Topping the Senate adjourned until 10:00 a. m. Thursday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 18, 1934.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. C. E. Lookingbill of Nevada, member of the House of Representatives.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Fisch for the day, on account of illness, on request of Senator Pendray.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Opposing state-owned liquor stores, and favoring city control of license fees and revocation of licenses. Senator Harrington from City Council and citizens of Marcus. Liquor control.

Opposing state-owned liquor stores, and favoring tax-paying private stores. Senator Harrington from citizens of Sioux City, Sheldon, Merville, Rembrandt and Laurens. Senator Fisch from Boyden and LeMars. Liquor control.

Favoring state control and local option. Senator Wilson from citizens of Grimes. Liquor control.

Favoring passage of old age pension bill. Senator Wilson from Drake University Heads; Senator Patterson from business men of Algona; Senator Stevens of Decatur from Fraternal Order of Eagles of Des Moines. Judiciary No. 2.

Favoring House File 180 establishing county agricultural extension boards. Senator Patterson from taxpayers of Bancroft. Agriculture.

INTRODUCTION OF BILLS

Senate File 272, by committee of the whole, a bill for an act to limit the amount of taxes assessed against property to provide for the raising of public revenue from other sources by imposing a tax or taxes upon the privilege of doing business in the state of Iowa, in accordance with certain specified classifications and to provide for the ascertainment, assessment, and collection of such taxes; to provide for the distribution and use of revenue derived under this act so as to provide a partial substitute for such property taxes; to regulate the revenue raised by public schools from tuition; to amend chapter sixty-two (62) of the laws of the Forty-fifth General Assembly; to repeal all laws or parts of laws in conflict herewith, and to provide penalties for the violation of the provisions of this act.

Read first and second times and placed on the calendar.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Ritchie, Senate File 267, a bill for an act to amend sections ninety-seven hundred seventy-nine (9779) and ninety-seven hundred eighty (9780) of the Code, 1931, relating to insurance on grain stored and sealed under the provisions of Chapter 427, Code, 1931, providing that said insurance and the depositing of policies may be optional on all grain sealed after November 23, 1933, an agriculture committee bill, was taken up, and considered.

The bill was read for information.

Senator Ritchie moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Anderson	Geske	Miller of	Roelofs
Baldwin	Hill	Buchanan	Schmidt
Beardsley	Hopkins	Miller of Jones	Shangle
Beatty	Hush	Moore	Stanley
Bennett	Husted	Mullaney	Stevens of
Booth	Irwin	Nelson	Decatur
Calhoun	Kimberly	Patterson	Tripp
Carden	Klemme	Pendray	Valentine
Doze	Leo	Reese	Wenner
Frailey	Meyer	Ritchie	Wilson

Nays, none.

Absent or not voting, 12.

Aschenbrenner	Elthon	Hicklin	Stevens of
Byers	Fisch	Knudson	Wapello
Chrystal	Harrington	McArthur	Topping
Coykendall			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Ritchie moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Ritchie, Senate File 267 was messaged to the House immediately.

By unanimous consent, on motion of Senator Leo, Senate File 270, a bill for an act to make an appropriation to the state board of education from the primary road fund for the purpose of defraying a portion of the expense attending the construction of a viaduct under highway Number 218 at or near its intersection with Tenth Street in the city of Vinton, Iowa, for the protection, in part, of the inmates of the state school for the blind, an appropriations committee bill, was taken up and considered.

The bill was read for information.

Senator Leo moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Anderson	Elthon	Meyer	Schmidt
Aschenbrenner	Geske	Miller of	Shangle
Baldwin	Hill	Buchanan	Stanley
Beardsley	Hopkins	Miller of Jones	Stevens of
Beatty	Hush	Moore	Decatur
Bennett	Husted	Mullaney	Stevens of
Booth	Irwin	Nelson	Wapello
Byers	Kimberly	Patterson	Tripp
Calhoun	Klemme	Pendray	Wenner
Carden	Leo	Reese	Wilson
Doze	McArthur	Ritchie	

Nays, none.

Absent or not voting, 10.

Chrystal	Frailey	Knudson	Topping
Coykendall	Harrington	Roelofs	Valentine
Fisch	Hicklin		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Leo moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Leo, Senate File 270 was messaged to the House immediately.

SENATE FILE 247 REREFERRED

By unanimous consent on request of Senator Stanley, Senate File 247 was rereferred to the committee on military affairs.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Mullaney, Senate File 148, a bill for an act to make an appropriation to Mercy Hospital of Oelwein, Iowa, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hill offered the following amendment and moved its adoption:

Amend by adding as Sec. 4 the following:

"Sec. 4. This act being deemed of immediate importance shall be in full force and effect after its passage and publication in the Nashua Reporter, a newspaper published at Nashua, Iowa, and in the Charles City Press, a newspaper published at Charles City, Iowa."

The amendment was adopted.

By unanimous consent, on request of Senator Mullaney sec. 1, line 1 was amended by striking the word "That".

The bill was read for information.

Senator Mullaney moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Anderson	Booth	Doze	Hill
Baldwin	Byers	Elthon	Hopkins
Beardsley	Calhoun	Geske	Hush
Beatty	Carden	Harrington	Husted
Bennett	Coykendall	Hicklin	Irwin

Klemme	Miller of Jones	Reese	Stevens of
Leo	Moore	Ritchie	Decatur
McArthur	Mullaney	Roelofs	Topping
Miller of	Patterson	Schmidt	Wilson
Buchanan	Pendray	Shangle	

Nays, 2.

Stanley	Wenner
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Absent or not voting, 11.

Aschenbrenner	Kimberly	Nelson	Tripp
Chrystal	Knudson	Stevens of	Valentine
Fisch	Meyer	Wapello	
Frailey			

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

Senator Mullaney moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Mullaney, Senate File 177, a bill for an act to make an appropriation to Violet Bencke, Nellie Powers and Opal McGarvey, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hill offered the following amendment and moved its adoption.

Amend by adding as Sec. 4 the following:

"Sec. 4. This act being deemed of immediate importance shall be in full force and effect after its passage and publication in *The Vindicator*, a newspaper published at Tingley, Iowa, and in *The News*, a newspaper published at Fredericksburg, Iowa."

The amendment was adopted.

By unanimous consent, on request of Senator Mullaney, Sec. 1, line 1 was amended by striking the word "That".

The bill was read for information.

Senator Mullaney moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Anderson	Beatty	Byers	Coykendall
Baldwin	Bennett	Calhoun	Doze
Beardsley	Booth	Carden	Elthon

Frailey	Irwin	Moore	Shangle
Geske	Kimberly	Mullaney	Stevens of
Harrington	Klemme	Patterson	Decatur
Hicklin	Leo	Pendray	Stevens of
Hill	Meyer	Reese	Wapello
Hopkins	Miller of	Ritchie	Topping
Hush	Buchanan	Roelofs	Wilson
Husted	Miller of Jones	Schmidt	

Nays, 2.

Stanley Wenner

Absent or not voting, 8.

Aschenbrenner	Fisch	McArthur	Tripp
Chrystal	Knudson	Nelson	Valentine

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

Senator Mullaney moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Mullaney, Senate Files 148 and 177 were messaged to the House immediately.

By unanimous consent, on motion of Senator Shangle, Senate File 11, a bill for an act to amend section eleven thousand seven hundred thirty-two (11,732) of the Code, 1931, relating to sale of land under execution, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

The following amendment was considered:

Amend by striking out the word "than" in line three (3) of section (1) and inserting in lieu thereof the word "plan".

The amendment was adopted.

On motion of Senator Topping the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel.

CONSIDERATION OF SENATE FILE 11 RESUMED

Senator Calhoun offered the following amendment and moved its adoption:

Amend by striking the enacting clause.

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 20.

Beardsley	Frailey	Kimberly	Stanley
Booth	Geske	Meyer	Topping
Byers	Harrington	Patterson	Valentine
Calhoun	Hicklin	Roelofs	Wenner
Carden	Irwin	Schmidt	Wilson

Nays, 24.

Anderson	Elthon	Miller of	Ritchie
Aschenbrenner	Hill	Buchanan	Shangle
Baldwin	Hopkins	Miller of Jones	Stevens of
Bennett	Hush	Moore	Decatur
Chrystal	Husted	Mullaney	Stevens of
Coykendall	Klemme	Pendray	Wapello
Doze	McArthur	Reese	

Absent or not voting, 6.

Beatty	Knudson	Nelson	Tripp
Fisch	Leo		

The amendment was lost.

Senator Shangle moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 16.

Anderson	Hush	Miller of Jones	Ritchie
Coykendall	Husted	Mullaney	Shangle
Doze	McArthur	Pendray	Stevens of
Elthon	Miller of	Reese	Decatur
Hill	Buchanan		

Nays, 26.

Baldwin	Frailey	Meyer	Stevens of
Beardsley	Geske	Moore	Wapello
Bennett	Harrington	Patterson	Topping
Booth	Hicklin	Roelofs	Tripp
Byers	Irwin	Schmidt	Valentine
Calhoun	Kimberly	Stanley	Wenner
Carden	Klemme		Wilson

Absent or not voting, 8.

Aschenbrenner	Chrystal	Hopkins	Leo
Beatty	Fisch	Knudson	Nelson

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

Senator Wenner moved that the vote by which the bill failed to pass the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

COPIES OF SENATE FILES 42 AND 242 ORDERED

By unanimous consent, on request of Senator Frailey, 600 extra copies of Senate File 42 were ordered printed.

By unanimous consent, on request of Senator Stevens of Wapello, 600 extra copies of Senate File 242 were ordered printed.

HOUSE FILE 134 ON CALENDAR

By unanimous consent, on request of Senator Byers, House File 134 was withdrawn from the committee on banks and banking.

THIRD READING OF BILLS

By unanimous consent, the rules were suspended and on motion of Senator Byers, House File 134, a bill for an act to amend Chapter one hundred fifty-six (156), Section one (1), Acts of the Forty-fifth General Assembly, relating to the right of the superintendent of banking to take possession of banking institutions without insolvency proceedings, was taken up and considered.

The bill was read for information.

Senator Byers moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?" the vote was:

Ayes, 34.

Anderson	Geske	Meyer	Stanley
Aschenbrenner	Harrington	Miller of	Stevens of
Beardsley	Hicklin	Buchanan	Decatur
Bennett	Hopkins	Miller of Jones	Stevens of
Booth	Husted	Moore	Wapello
Byers	Irwin	Mullaney	Topping
Carden	Kimberly	Pendray	Tripp
Coykendall	Klemme	Reese	Valentine
Doze	McArthur	Schmidt	Wenner
Frailey			

Nays, 3.

Hill	Hush	Shangle
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Absent or not voting, 13.

Baldwin	Elthon	Leo	Ritchie
Beatty	Fisch	Nelson	Roelofs
Calhoun	Knudson	Patterson	Wilson
Chrystal			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Byers moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Harrington, Senate File 269, a bill for an act providing for the segregation by the county treasurer of taxes paid in the year 1934 which were due and owing prior to January 1, 1934, and providing that the money so segregated shall be sent to the public taxing bodies in the amount due said taxing bodies and providing that the treasurer of any such taxing body shall keep an accurate list of all warrants which he stamped "unpaid for lack of funds," with the date of issuance, number of the warrant and the amount of same, and providing for the payment of the warrants which were stamped unpaid for lack of funds in the previous year out of the money so segregated, and providing for the disposition of any balance after the payment of all outstanding warrants, and authorizing the issuance of bonds in the event that the funds are insufficient to pay all outstanding warrants, a cities and towns committee bill, was taken up and considered.

The bill was read for information.

Senator Harrington moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 31.

Anderson	Hopkins	Miller of	Stevens of
Aschenbrenner	Hush	Buchanan	Decatur
Beardsley	Husted	Mullaney	Stevens of
Coykendall	Irwin	Patterson	Wapello
Frailey	Kimberly	Reese	Topping
Geske	Klemme	Ritchie	Valentine
Harrington	Knudson	Schmidt	Wenner
Hicklin	McArthur	Stanley	Wilson
Hill	Meyer		

Nays, none.

Absent or not voting, 19.

Baldwin	Calhoun	Fisch	Pendray
Beatty	Carden	Leo	Roelofs
Bennett	Chrystal	Miller of Jones	Shangle
Booth	Doze	Moore	Tripp
Byers	Elthon	Nelson	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Harrington moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Harrington, Senate File 206, a bill for an act to authorize conversion of building and loan associations and savings and loan associations into federal savings and loan associations organized under the Act of Congress known as "Home Owners' Loan Act of 1933"; to provide for complete or partial transfer of assets to such federal savings and loan associations and to provide the procedure for such conversion and transfer, called from committee under rule 35, was taken up and considered.

Senators Valentine and Mullaney offered the following amendment and moved its adoption:

Amend by providing for publication in the Centerville Daily Iowegian and the Waukon Democrat.

The amendment was adopted.

The bill was read for information.

Senator Harrington moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Anderson	Geske	Klemme	Reese
Aschenbrenner	Harrington	Knudson	Schmidt
Bennett	Hicklin	Leo	Shangle
Booth	Hill	McArthur	Stanley
Byers	Hopkins	Meyer	Stevens of
Calhoun	Hush	Miller of Jones	Decatur
Carden	Husted	Moore	Topping
Doze	Irwin	Mullaney	Valentine
Elthon	Kimberly	Pendray	Wenner
Frailey			

Nays, none.

Absent or not voting, 14.

Baldwin	Coykendall	Nelson	Stevens of
Beardsley	Fisch	Patterson	Wapello
Beatty	Miller of	Ritchie	Tripp
Chrystal	Buchanan	Roelofs	Wilson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Harrington moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Shangle, Senate File 12, a bill for an act to amend section eleven thousand seven hundred seventy-four (11774) of the Code, 1931, relating to redemption by debtor of real property from Execution Sale, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The following committee amendment was considered:

Amend Section one (1) by striking therefrom in lines five (5) and six (6) thereof the following words: "free and clear of any lien thereon by reason of any deficiency judgment against the judgment debtor and".

The amendment was adopted.

The bill was read for information.

Senator Shangle moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Anderson	Elthon	Klemme	Reese
Aschenbrenner	Frailey	Knudson	Ritchie
Baldwin	Geske	Leo	Schmidt
Bennett	Harrington	McArthur	Shangle
Booth	Hill	Meyer	Stevens of
Byers	Hopkins	Miller of Jones	Decatur
Calhoun	Hush	Moore	Topping
Carden	Husted	Mullaney	Valentine
Coykendall	Irwin	Pendray	Wilson
Doze	Kimberly		

Nays, none.

Absent or not voting, 13.

Beardsley	Hicklin	Patterson	Stevens of
Beatty	Miller of	Roelofs	Wapello
Chrystal	Buchanan	Stanley	Tripp
Fisch	Nelson		Wenner

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Shangle moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Wilson, Senate

File 268, a bill for an act to amend section sixty-six hundred seven (6607), of the Code, 1931, with reference to financing the cost of swimming pools, bathing beaches, bath houses, armories, ice rinks, dance pavilions, shelter houses, wading pools and river walls, by cities under the commission form of government, a cities and town committee bill, was taken up and considered.

The bill was read for information.

Senator Wilson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Anderson	Doze	Klemme	Ritchie
Aschenbrenner	Elthon	Knudson	Schmidt
Baldwin	Frailey	McArthur	Shangle
Bennett	Geske	Meyer	Stevens of
Booth	Harrington	Miller of Jones	Decatur
Byers	Hopkins	Moore	Topping
Calhoun	Hush	Mullaney	Valentine
Carden	Husted	Patterson	Wenner
Chrystal	Irwin	Reese	Wilson
Coykendall	Kimberly		

Nays, none.

Absent or not voting, 13.

Beardsley	Hill	Nelson	Stevens of
Beatty	Leo	Pendray	Wapello
Fisch	Miller of	Roelofs	Tripp
Hicklin	Buchanan	Stanley	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Wilson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, House Files 89 and 188.

HOMER HUSH, *Chairman Senate Committee.*
WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House Files 89 and 188.

REPORTS OF COMMITTEES

Senator Pendray submitted the following report:

MR. PRESIDENT: Your committee on public schools to which was referred House File 194, a bill for an act to amend subsection four (4) and five (5) of section one (1), chapter one hundred twenty-five (125), Acts of the 45th General Assembly, relating to the reimbursement of school districts because of tax-free land within such districts so as to provide that such reimbursement shall equal the tuition such districts are required to pay other districts because of children of state or federal employees who live on state or government owned land within the district, begs leave to report it has had the same under consideration and recommends the same do pass. CAROLYN C. PENDRAY, *Chairman*.

Ordered passed on file.

Senator Booth submitted the following report:

MR. PRESIDENT: Your committee on highways to which was referred Senate File 175, a bill for an act creating a motorized State Highway Patrol for Iowa; providing for the appointment and service of State Highway Patrol Commissioners; audit committee; commission secretary; executive officer; captains; lieutenants; sergeants; quartermaster sergeant; sergeant mechanic; patrolmen first class, begs leave to report it has had the same under consideration and returns the bill without recommendation. CHAS. D. BOOTH, *Chairman*.

Ordered passed on file.

REPORT OF CONFERENCE COMMITTEE ON HOUSE FILE 17

MR. PRESIDENT: Your Conference Committee appointed to consider the difference between the Senate and the House on House File 17, being a bill for an Act to repeal Section seventy-two hundred three (7203), Code, 1931, and to enact a substitute therefor relating to the lien of poll taxes and all taxes on personal property, begs leave to report that it has had the same under consideration and recommends that the bill be passed in its original form and all amendments proposed or made thereto be disregarded.

Respectfully submitted,

CLAUDE STANLEY.

JOHN F. BRADY.

MYRON D. TRIPP.

ELMER A. JOHNSON.

CHAS. D. BOOTH.

PAUL H. CUNNINGHAM.

JOHN N. CALHOUN.

A. H. BONNSTETTER.

On the Part of the Senate.

On the Part of the House.

MOTION FILED

MR. PRESIDENT: I move to reconsider the vote by which the Senate adopted the Nelson amendment, which was substituted for the McArthur amendment, to the committee on agriculture's amendment to Senate File 53; also to reconsider the vote by which the Nelson amendment was substituted for the McArthur amendment, offered to the committee on agriculture's amendment to Senate File 53.

HOMER HUSH.

The Journal of January 17th was corrected and approved.

On motion of Senator Carden, the Senate adjourned until 10:00 a. m. Friday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 19, 1934.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by State Representative C. L. Beswick, of Stockport.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Elthon for the balance of the week, on request of Senator Hush.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees.

Endorsing state acceptance of offer of Tabor college property for state normal school. Senator Coykendall from Tabor Progressive Club. Educational institutions.

Favoring passage of old age pension bill. Senator Wilson from Des Moines business interests. Judiciary No. 2.

INTRODUCTION OF BILLS

Senate File 273, by committee on highways, a bill for an act to require the board of supervisors and members thereof to close or cause to be closed, against vehicular travel, all secondary roads which may be formally vacated or affirmatively abandoned by said board, to provide the manner of such closing, to provide for the doing of the work of such closing by members of the board or by the county engineer, to provide for the cost of said work, to prohibit the removal of barriers erected in order to effect such closing, and to declare the civil and criminal responsibility for the negligent failure to perform said duty and for the wrongful removal of said erections.

Read first and second times and placed on the calendar.

COPIES OF SENATE FILE 272 ORDERED

By unanimous consent, on request of Senator Hicklin, 600 extra copies of Senate File 272 were ordered printed.

SENATE FILE 272 MADE SPECIAL ORDER

Senator Hicklin moved that Senate File 272 and the subject of tax revision be made a special order for consideration on Monday, January 22d, at 10:30 a. m.

Senator Wenner moved to amend the motion by striking "Monday, January 22d" and inserting in lieu thereof "Tuesday, January 23d".

Senator Shangle as a substitute, moved that Senate File 272 be made a special order for Monday, January 22d at 1:30 p. m.

Roll call was demanded.

On the question "Shall the substitution be made?" the vote was:

Ayes, 28.

Anderson	Hill	McArthur	Reese
Baldwin	Hopkins	Meyer	Shangle
Booth	Hush	Miller of	Stanley
Coykendall	Irwin	Buchanan	Stevens of
Doze	Kimberly	Miller of Jones	Decatur
Geske	Klemme	Moore	Topping
Harrington	Knudson	Mullaney	Tripp
Hicklin	Leo		

Nays, 10.

Bennett	Nelson	Schmidt	Wenner
Calhoun	Patterson	Stevens of	Wilson
Chrystal	Pendray	Wapello	

Absent or not voting, 12.

Aschenbrenner	Byers	Fisch	Ritchie
Beardsley	Carden	Frailey	Roelofs
Beatty	Elthon	Husted	Valentine

The substitution was made.

The substituted motion was adopted and Senate File 272 was made a special order for Monday, January 22d at 1:30 p. m.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the governor announcing that he had signed, on the thirteenth day of January, the following bills:

Senate File 109, relating to the limitation on expenditures of certain municipalities.

Senate File 141, legalizing the proceedings of the Board of Directors of The Elgin-Brainard Farmers Cooperative Company of Elgin, Iowa.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the following House Concurrent Resolution, in which the concurrence of the Senate is asked:

House Concurrent Resolution No. 10, memorializing the Federal Land Bank office at Washington, D. C., and that the Des Moines office be continued for the use and convenience of the Iowa farmers.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE CONCURRENT RESOLUTION NO. 10

Whereas, It appears from all indications that the Federal Land Bank officials of Omaha, are intending to close the Des Moines Land Bank office; and

Whereas, This office has been of great service to the people of Iowa in helping them to get their loans closed and assisting individuals with their correspondence with said Bank and matters pertaining to their loans; and,

Whereas, The prompt closing of these incompleated loans is vital to relieve the farm mortgages in Iowa banks which are now frozen assets, and,

Whereas, Under the present unsettled financial condition the applicants for these loans are lacking in funds and are not financially able in a large number of cases to finance a trip to the Federal Land Bank office at Omaha, on matters relating to said loans; and,

Whereas, If the local Des Moines office is closed no service relating to said application and incompleated loans can be secured without a visit or a letter or letters to the Omaha office; and,

Whereas, The Omaha office through lack of help or for other reasons could not answer such correspondence, many items of which have run ninety days or more without reply; and,

Whereas, The paring down of appraisals has left the applicant with no other place to go, except the Omaha office, for service in relation to said incompleated loans, now, therefore,

Be It Resolved by the House of Representatives, the Senate concurring:

Section 1. That the Senate and House of the 45th General Assembly in special session assembled memorialize the Federal Land Bank office at Washington, D. C., through its Farm Credit Governor, the Honorable W. I. Myers, to exercise the authority vested in them under the Federal Land Bank Act and that the Des Moines office be continued for the use and convenience of the Iowa farmers who are now, and will be in the future making inquiries and seeking help on incompleated loans and that

this service be not lost to them, and that this office be given the necessary authority to handle cases of this kind.

Section 2. That the Chief Clerk of the House of Representatives of the State of Iowa be and he is hereby authorized and directed to forward a true copy of this resolution to the Honorable W. I. Myers, Farm Credit Governor, Federal Land Bank, Washington, D. C.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator McArthur, Senate File 140, a bill for an act to amend section ten thousand six hundred thirty-nine (10639), code, 1931, relating to criminal fees of police judges in townships having a population of more than twelve thousand persons, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The following committee amendment was considered:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section five thousand six hundred sixty-six (5666) is hereby repealed and the following enacted in lieu thereof:

"The police judge shall be entitled, in all criminal cases prosecuted before him in behalf of the state, to the same fees as a justice of the peace in like cases; in prosecutions before him in behalf of the city, to such fees, not exceeding those for services of like nature in state prosecution, as the council may by ordinance prescribe. Such fees shall be collected in the same manner as those of a justice of the peace, in like cases, but shall not be paid to the police judge until collected from the party against whom said costs are assessed."

2. Amend by striking the title and inserting in lieu thereof the following:

"An Act to repeal section five thousand six hundred sixty-six (5666), Code 1931, relating to fees of police judges and enacting a substitute therefor."

The amendment was adopted.

The bill was read for information.

Senator McArthur moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 30.

Anderson	Byers	Fisch	Leo
Baldwin	Calhoun	Harrington	McArthur
Beatty	Carden	Hopkins	Miller of
Bennett	Coykendall	Hush	Buchanan
Booth	Doze	Husted	Miller of Jones

Mullaney
Nelson
Pendray
Reese

Roelofs
Schmidt
Shangle

Stevens of
Decatur
Stevens of
Wapello

Tripp
Wenner

Nays, 8.

Hicklin
Kimberly

Klemme
Meyer

Patterson
Ritchie

Topping
Wilson

Absent or not voting, 12.

Aschenbrenner
Beardsley
Chrystal

Elthon
Frailey
Geske

Hill
Irwin
Knudson

Moore
Stanley
Valentine

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator McArthur moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Miller of Buchanan, Senate File 60, a bill for an act requiring the debt named in a mortgage upon real estate to be certain and specific in amount, placed on the calendar under rule 35 was taken up and considered.

By unanimous consent, on request of Senator Miller of Buchanan, Sec. 2, line 2 was amended by inserting a comma after the word "contingent".

The bill was read for information.

Senator Miller of Buchanan moved that the reading just had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 32.

Anderson
Aschenbrenner
Baldwin
Beardsley
Booth
Calhoun
Chrystal
Coykendall
Doze

Fisch
Geske
Hicklin
Hill
Hopkins
Hush
Husted
Irwin
Kimberly

Knudson
Leo
McArthur
Meyer
Miller of
Buchanan
Miller of Jones
Mullaney

Pendray
Reese
Ritchie
Roelofs
Schmidt
Shangle
Stevens of
Decatur

Nays, 8.

Bennett
Klemme

Moore
Nelson

Patterson
Topping

Wenner
Wilson

Absent or not voting, 10.

Beatty	Elthon	Stanley	Tripp
Byers	Frailey	Stevens of	Valentine
Carden	Harrington	Wapello	

The bill having received a constitutional majority was declared to have passed the Senate.

Senator Hush moved to amend by striking the title and inserting in lieu thereof the following:

“An Act requiring that in certain cases the debt named in the mortgage upon real estate must be certain and specific in amount and that a mortgage to secure a contingent, accruing or future indebtedness must be a separately executed instrument.”

The amendment was adopted and the title as amended was agreed to.

Senator Miller of Buchanan moved that the vote by which the bill passed the Senate be reconsidered and the motion to reconsider be laid on the table.

The motion prevailed.

By unanimous consent, on motion of Senator Booth, House File 16, a bill for an act so to amend section forty-nine hundred ninety-five (4995), Code, 1931, as to give traffic on duly designated boulevard or arterial highways the right of way over traffic on intersecting streets and highways, provided “Stop, Boulevard” signs are maintained on said intersecting streets and highways, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Topping moved to defer action temporarily.

The motion prevailed.

By unanimous consent, on motion of Senator Topping, Senate File 168, a bill for an act to amend the law having reference to the preferring of domestic materials, products and supplies as it appears in Sections eleven hundred seventy-one b-one (1171-b1), and eleven hundred seventy-one b-two (1171-b2), Code, 1931, and requiring a preference for products and provisions grown in Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Topping moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Anderson	Frailey	McArthur	Reese
Aschenbrenner	Geske	Meyer	Ritchie
Baldwin	Harrington	Miller of	Roelofs
Beardsley	Hicklin	Buchanan	Schmidt
Bennett	Hill	Miller of Jones	Shangle
Booth	Hopkins	Moore	Stevens of
Calhoun	Husted	Mullaney	Decatur
Carden	Irwin	Nelson	Topping
Coykendall	Kimberly	Patterson	Wenner
Doze	Klemme	Pendray	Wilson
Fisch	Leo		

Nays, none.

Absent or not voting, 10.

Beatty	Elthon	Stanley	Tripp
Byers	Hush	Stevens of	Valentine
Chrystal	Knudson	Wapello	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Topping moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Schmidt, Senate File 17, a bill for an act to amend sub-section ten (10), section fifty-one hundred ninety-one (5191), Code of Iowa, 1931, as amended by section six (6), chapter ninety (90), Acts of the forty-fifth general assembly, relating to mileage of sheriffs and their deputies, which was rereferred to the committee on county and township affairs on Nov. 27, with report of committee recommending amendment and passage, was taken up, considered and the report of the committee adopted.

The following committee amendment was considered:

Amend by striking all following the enacting clause, and inserting in lieu thereof the following:

"Section 1. Sub-section ten (10), section five thousand one hundred ninety-one (5191), code, 1931, as amended by section six (6), chapter ninety (90), Acts of the Forty-fifth General Assembly is amended by striking the word, 'five' in line three (3) of said section six (6) and inserting in lieu thereof the following: 'seven and one-half'.

Section six (6), chapter ninety (90), is amended by striking the word, 'five' in line twelve (12) of said section and inserting in lieu thereof the words, 'seven and one-half'."

The amendment was adopted.

The bill was read for information.

Senator Schmidt moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Anderson	Geske	Leo	Reese
Aschenbrenner	Harrington	McArthur	Ritchie
Baldwin	Hicklin	Meyer	Roelofs
Beardsley	Hill	Miller of	Schmidt
Bennett	Hopkins	Buchanan	Shangle
Calhoun	Hush	Miller of Jones	Stevens of
Carden	Husted	Mullaney	Decatur
Coykendall	Irwin	Nelson	Topping
Doze	Kimberly	Patterson	Wenner
Fisch	Klemme	Pendray	Wilson
Frailey	Knudson		

Nays, none.

Absent or not voting, 10.

Beatty	Chrystal	Stanley	Tripp
Booth	Elthon	Stevens of	Valentine
Byers	Moore	Wapello	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Schmidt moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

On motion of Senator Shangle the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 267, a bill for an act relating to insurance on grain stored and sealed under the provisions of Chapter 427, Code, 1931, providing that said insurance and the depositing of policies may be optional on all grain sealed after November 23, 1933. VIRGIL LEKIN, *Chief Clerk*.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Hicklin, Senate File 245, a bill for an act to repeal chapter one hundred eighty-two (182), acts of the forty-fifth general assembly, and to enact a substitute therefor, relating to the appeal procedure under the workmen's compensation act, a judiciary No. 2 committee bill was taken up and considered.

Senator Hicklin offered the following amendment and moved its adoption.

Amend the title by striking therefrom the words and figures "one hundred eighty-two (182)" and inserting in lieu thereof the words and figures "twenty-seven (27)".

The amendment was adopted.

The bill was read for information.

Senator Hicklin moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 27.

Aschenbrenner	Hicklin	McArthur	Shangle
Bennett	Hill	Meyer	Stevens of
Booth	Hush	Miller of Jones	Decatur
Coykendall	Husted	Mullaney	Topping
Doze	Irwin	Pendray	Valentine
Frailey	Kimberly	Reese	Wenner
Harrington	Klemme	Schmidt	Wilson

Nays, 2.

Anderson	Hopkins
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Absent or not voting, 21.

Baldwin	Chrystal	Miller of	Roelofs
Beardsley	Elthon	Buchanan	Stanley
Beatty	Fisch	Moore	Stevens of
Byers	Geske	Nelson	Wapello
Calhoun	Knudson	Patterson	Tripp
Carden	Leo	Ritchie	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTION FILED

MR. PRESIDENT: I move to reconsider the vote by which Senate File 245 passed the Senate.

JOHN K. VALENTINE.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Frailey, House File 179, a bill for an act to amend section twelve thousand eight hundred four (12804), Code 1931, and providing for an assistant chief justice, and defining his rights, duties and powers, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Frailey moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 31.

Anderson	Frailey	Klemme	Schmidt
Aschenbrenner	Hicklin	Leo	Shangle
Bennett	Hill	Meyer	Stevens of
Booth	Hopkins	Miller of Jones	Decatur
Byers	Hush	Mullaney	Topping
Chrystal	Husted	Nelson	Valentine
Coykendall	Irwin	Pendray	Wenner
Doze	Kimberly	Reese	Wilson

Nays, none.

Absent or not voting, 19.

Baldwin	Fisch	Miller of	Roelofs
Beardsley	Geske	Buchanan	Stanley
Beatty	Harrington	Moore	Stevens of
Calhoun	Knudson	Patterson	Wapello
Carden	McArthur	Ritchie	Tripp
Elthon			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Reese, Senate File 39, a bill for an act to provide for the employment of citizens of the United States and residents of the State of Iowa in all state institutions supported by general tax, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

The following committee amendment was considered:

Amend by striking out the word "employees" in line one (1) and by inserting in lieu thereof the following: "all persons hereafter employed".

The amendment was adopted.

Senator Shangle offered the following amendments and moved their adoption :

Amend section 1 by striking from line 1 the word "all" and inserting in lieu thereof the word "any"; also by striking from line 1 the word "institutions" and inserting in lieu thereof the word "institution".

The amendments were adopted.

Senator Frailey moved to defer action.

The motion prevailed.

HOUSE CONCURRENT RESOLUTION NO. 10

By unanimous consent, on request of Senator Stevens of Decatur, the rules were suspended and House Concurrent Resolution No. 10, messaged over this morning, was taken up and considered.

Senator Stevens of Decatur moved the adoption of the resolution.

The resolution was adopted.

By unanimous consent, on request of Senator Frailey the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File 274, by committee on board of control, a bill for an act relating to unexpended appropriations of the Forty-fourth General Assembly and previous General Assemblies made to the institutions under the Board of Control.

Read first and second times and placed on the calendar.

REPORTS OF COMMITTEES

Senator Irwin submitted the following reports:

MR. PRESIDENT: Your committee on banks and banking, to which was referred House File 278, a bill for an act to amend chapter 352-a1, Code, 1931, relating to limitation of claims now filed or hereafter filed against the State Sinking Fund for public deposits, begs leave to report it has had the same under consideration and recommends the same do pass.

H. L. IRWIN, *Chairman.*

Ordered passed on file.

Also:

Your committee on banks and banking, to which was referred Senate File 212, a bill for an act relating to claims against State Sinking Fund, begs leave to report it has had the same under consideration and recommends the same do pass.

H. L. IRWIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on banks and banking, to which was referred House File 231, a bill for an act to legalize all depositors agreements entered into by any county, town, city, township or school district, begs leave to report it has had the same under consideration and recommends the same do pass.

H. L. IRWIN, *Chairman*.

Ordered passed on file.

Also:

Your committee on banks and banking, to which was referred House File 47, a bill for an act to protect trust funds set aside for the care, upkeep, and maintenance of graves and burial places, and to grant to such funds a preference in the settlement of the affairs of the insolvent banking institutions, begs leave to report it has had the same under consideration and recommends the same do pass.

H. L. IRWIN, *Chairman*.

Ordered passed on file.

Senator Frailey submitted the following report:

MR. PRESIDENT: Your committee on judiciary, No. 1, to which was referred Senate File 92, a bill for an act to amend Section ninety-six hundred eighty-eight (9688) of the Code, 1931, relating to warehouseman's lien against certain property, begs leave to report it has had the same under consideration and recommends the same do pass.

J. R. FRAILEY, *Chairman*.

Ordered passed on file.

Senator Moore submitted the following report:

MR. PRESIDENT: Your committee on public health, to which was referred Senate File 87, a bill for an act relating to the annual license fees paid by restaurants, providing for inspection of same; also the creation of a separate fund and limiting the purpose of said fund, begs leave to report it has had the same under consideration and returns the bill without recommendation.

MORRIS MOORE, *Chairman*.

Ordered passed on file.

Senator Wenner submitted the following report:

MR. PRESIDENT: Your committee on elections, to which was referred Senate File 223, a bill for an act to amend Sections 927, 928, 931, 936

and 943, Chapter 44, Code, 1931, as same relates to the qualifications of an absentee voter and the manner and time of obtaining and voting absentee ballots, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

Amend Section four (4) line two (2) by striking the word "and" following the figure "(3)" and inserting in lieu thereof a ",".

Amend Section four (4) line two (2) by adding after the figure "(4)" the following: "and five (5)".

Amend Section four (4) line four (4) by striking the words "have been" and inserting in lieu thereof the word "are".

Amend by striking all of Section six (6) and inserting in lieu thereof the following:

"Sec. 6. This act being deemed of immediate importance shall be in full force and effect after its passage and publication in the Humeston New Era, a newspaper published at Humeston, Iowa, and in the Van Buren Record, a newspaper published at Bonaparte, Iowa."

EDW. J. WENNER, *Chairman.*

Ordered passed on file.

Also:

Your committee on elections, to which was referred Senate File 224, a bill for an act to amend Section 738, Chapter 40, Code, 1931, regulating compensation of election boards, begs leave to report it has had the same under consideration and recommends the same do pass.

EDW. J. WENNER, *Chairman.*

Ordered passed on file.

Also:

Your committee on elections, to which was referred Senate File 225, a bill for an act regulating the circulation, signing and filing of nomination papers, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

EDW. J. WENNER, *Chairman.*

Ordered passed on file.

The Journal of January 18th was corrected and approved.

AMENDMENTS FILED

Amend Senate File 272 as follows:

Strike out all of Section Five (5) and renumber remaining sections accordingly.

L. T. SHANGLE.

Amend Senate File 272, Section three (3), sub-section "b", on page fourteen of the bill, by inserting before the word "cemetery", the words "hospitals and hospital associations or corporations,".

E. R. HICKLIN.

Amend Senate File 272, by adding in Section ten (10), line three (3), page twenty of the printed bill, following the word "shall" and preceding the word "correct", the following: "within two years after the time when the annual rate required in sub-section "a" of Section eight (8) was due."

E. R. HICKLIN.

Amend Senate File 272, Section ten (10), by striking all of said Section after the word "taxpayer" in line ten (10), and substituting in lieu thereof the following: "with interest at six per cent per annum from the date the tax is paid to the date of refund."

E. R. HICKLIN.

Amend Senate File 272 by striking the word "non-professional" in line 103 of section 1 and inserting the word "nonprofessional".

Further amend by striking the letter and word "i posed" in line 6 of section 2 and inserting the word "imposed".

Further amend by striking the word "sub-section" in line 133 of section 2 and inserting the word "subsection".

Further amend by striking the words "one half" in line 130 of section 2 and inserting the word "one-half".

Further amend by striking the words "live stock" in line 22 of section 3 and inserting the word "livestock".

LAFE HILL.

Amend Senate File 87 as follows:

1. By striking from lines one (1) and two (2) of the title thereof the following words and figures, to-wit: "To amend section twenty-eight hundred twelve (2812), Code, 1931, relating to annual license fee to be paid by restaurants, and"; and by striking the period at the end of said title and adding in lieu thereof the following: "and providing for the transfer of said fund."

2. By striking all after the enacting clause and substituting in lieu thereof the following:

"Section 1. That Chapter one hundred thirty-three (133) Code, 1931, be amended by adding thereto immediately following section 2812 the following:

'Sec. 2812-a. In addition to the annual license fee required by sections 2809 and 2812, each restaurant hereafter opened and each restaurant hereafter changing ownership shall, before it opens for business or before the new owner assumes the management and control of same, pay to the department an inspection fee of fifteen dollars (\$15.00). This section shall not apply to any temporary restaurant located within the grounds of the state fair or any county or district fair.

'Sec. 2812-b. All inspection fees required by this act shall upon receipt thereof by the department be paid to and receipted for by the Treasurer of State and shall be kept by him in a separate fund to be known as the "Restaurant Fund". Such restaurant fund shall be continued from year to year and the treasurer shall keep a separate account thereof showing receipts and disbursements as authorized by law. No part of such fund shall be used for any other purpose than the administration and enforcement of the laws relating to restaurants; provided, however, if on July first of any year there is a balance remaining in said restaurant fund which, in the opinion of the secretary of agriculture, is greater than is

necessary for the proper administration of such laws, the treasurer of state is hereby authorized, on the recommendation and with the approval of the secretary of agriculture, to transfer to the general fund of the state such portion of said restaurant fund as the secretary of agriculture shall deem advisable to so transfer.'"

D MYRON TRIPP.

Amend House File 16 by striking out the period and quotation marks following the word "maintained" in line six (6) and by adding after the said word "maintained" the following, to wit:

“, except during the time when ‘stop’ and ‘go’ lights or signs, if any, are being actually operated at such intersection, and except during the time when a traffic officer is actually directing traffic at such intersection.”

CHAS. D. BOOTH.

Amend Senate File 272 by striking lines one (1) to twenty-one (21) inclusive of Section two (2), and inserting in lieu thereof the following:

“Sec. 2. Levy and Rates. From and after the taking effect of this act, there is hereby annually imposed upon each taxpayer, within the meaning of this act, located in or transacting business in the state of Iowa, a tax upon the privilege of such taxpayer to engage or continue in business, such tax being imposed at the rates and under the conditions hereinafter provided, in respect to all business done within this state by such taxpayer, at the rates specified hereinafter for each business or class of business in which such taxpayer engages. The taxes levied by this section shall be assessed, collected and paid at the following specified rates, to-wit:”.

D. MYRON TRIPP.

On motion of Senator Frailey, the Senate adjourned until 10:00 a. m. Saturday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 20, 1934.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. R. H. Aurand, pastor of the First Evangelical Church of Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Baldwin for the day, on request of Senator Hicklin; Senators Stevens of Decatur and Shangle for the day, on request of Senator Coykendall; Senator Fisch for the day, on request of Senator Pendray; Senator Miller of Buchanan for the day, on request of Senator Reese; Senator Meyer for the day, on request of Senator Mullaney.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring reduced automobile license fees. Senator Patterson from voters of Estherville. Motor vehicles.

Favoring tax on chain stores. Senator Leo from business men of Tama County. Tax revision and reorganization.

Opposing state ownership of liquor stores. Senator Booth from citizens of Shelby. Liquor control.

Opposing Senate File 230. Senator Doze from City Council of Chariton. Tax revision and reorganization.

Favoring old age pension bill. Senator Doze from local union 390, U. M. W. A., Williamson. Judiciary No. 2.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully

reports that it has examined and finds correctly enrolled House File 134 and Senate File 267.

HOMER HUSH, *Chairman Senate Committee.*
WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House File 134 and Senate File 267.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 20th day of January, 1934, sent to the governor for his approval, Senate File 267.

HOMER HUSH, *Chairman.*

Passed on file.

INTRODUCTION OF BILLS

Senate File 275, by committee on judiciary No. 1, a bill for an act to legalize the corporate acts and proceedings of the Hudson Co-Operative Dairy Association, of Hudson, Black Hawk County, Iowa, and to provide for the renewal and extension of the period of corporate existence and the adoption of renewal, amended and substituted articles of incorporation of said Hudson Co-Operative Dairy Association.

Read first and second times and placed on the calendar.

HOUSE FILE 160 SPECIAL ORDER

Senator Mullaney moved that House File 160 be made a special order of business for Monday, January 22d at 10:30 a. m.

Senator Wenner moved to amend by making the time Monday, January 22d at 1:15 p. m.

The amendment was adopted.

The motion as amended prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the

House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 185, a bill for an act defining motor vehicle fuel and providing for license fees, collection and refunds.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 105, a bill for an act relating to payment of principal and interest of primary road bonds. VIRGIL LEKIN, *Chief Clerk.*

HOUSE MESSAGE CONSIDERED

House File 185, a bill for an act to amend, revise and codify chapter two hundred fifty-one A one (251-A1) Code, 1931, and chapters seventy-five (75) and eighty-six (86) of the Acts of the Forty-fifth (45th) General Assembly relating to the collection of license fees on all motor vehicle fuel used or otherwise disposed of in the state of Iowa; to define motor vehicle fuel; to impose a license fee of three cents per gallon or fraction of a gallon on all motor vehicle fuel sold or used in the state of Iowa; to make provision for payment and collection of said license fee; to provide for the licensing of distributors of motor vehicle fuel, service station operators selling motor vehicle fuel, and conveyances used to transport motor vehicle fuel, in this state; to provide for the revocation of such licenses; to prescribe the records to be kept and reports to be made and duties to be performed by all persons so licensed; to require all carriers or other persons delivering motor vehicle fuel to persons in this state from outside the State to report to the Treasurer of State all such deliveries; to provide for refunding under certain conditions of all motor vehicle fuel license fees paid on such fuel not used in connection with the operation of motor vehicles upon the public highway and to provide for the licensing of applicants for said refunds; to prescribe the purposes and objects for which said motor vehicle fuel license fees shall be used; and to provide penalties for the violation of the provisions of this act.

Read first and second times and referred to committee on judiciary No. 1.

HOUSE AMENDMENTS TO SENATE FILE 105

Amend Senate File 105, section two (2) as follows:

Strike from line nine (9) the words and figures "six million dollars (\$6,000,000)" and insert in lieu thereof "eight million dollars (\$8,000,000)".

Strike from lines nine (9) and ten (10) the words and figures "nor more than nine million dollars (\$9,000,000) in any year".

The Journal of January 19th was corrected and approved.

AMENDMENTS FILED

Amend Senate File 272, Section twenty (20), by striking lines twenty-six (26), twenty-seven (27), twenty-eight (28), and twenty-nine (29).

Amend by striking therefrom Sections twenty-one (21) and twenty-two (22), and by inserting in lieu thereof the following:

"Sec. 21. Out of all revenue arising under the operation of this act and carried by the treasurer of state in the special tax fund, there shall be paid the following items of state, county, and public school expense:

(a) All items of general expense of the state government authorized and appropriated for by the General Assembly.

(b) Salaries of all county officers where the annual salary and employment is fixed by statute.

(c) All other county expenditures or appropriations required by law where the amount and condition precedent to payment does not lie within the discretion of the Board of Supervisors.

(d) To the public school system of the State all additional revenue arising under the operation of this act.

The State Board shall apportion to the several school corporations of the state the funds above provided for in the proportion that the total number of youths subject to enumeration in such school corporations as shown by the last preceding school census bears to the total number of such youths in the state as shown by such last preceding school census."

Amend by re-numbering the remaining sections.

EDW. J. WENNER.

Senator Topping moved that the Senate adjourn until 1:30 p. m. Monday.

Senator Schmidt moved to amend by making the time 10:00 a. m.

Senator Wilson as a substitute moved to adjourn until 1:00 p. m.

The substitution was made.

The motion as substituted prevailed, and the Senate adjourned until 1:00 p. m. Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 22, 1934.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Philip L. Shutt, lay-reader of the St. James Episcopal Church of Independence.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring House File 180, establishing county agricultural extension boards. Senator Patterson from voters of Fenton, Algona, Wesley and Burt. Agriculture.

Favoring Senate File 58, relative to regulation of the business of making loans of \$300 or less. Senator Stanley from Iowa Conference of Social Work, Roadside Settlement Board, and Iowa Federation of Woman's Clubs of Polk County. Banks and banking.

Favoring reduction of automobile license fees. Senator Beardsley from voters of Osceola. Motor vehicles.

PROOFS OF PUBLICATION

I hereby certify that there has been filed with me as Secretary of the Senate, a proof of publication from The Taylor County Herald, a weekly newspaper published at Bedford, Taylor county, Iowa, relating to House File 299, a bill for an act to make permanent the transfer of ten thousand dollars from the Secondary Road Construction Fund to the Poor Fund in Taylor County, Iowa.

Also, a proof of publication from The Muscatine Journal & News Tribune, a newspaper published at Muscatine, Muscatine County, Iowa, relating to Senate File 248, a bill for an act to legalize the tax levy made by the Board of Supervisors of Muscatine County, Iowa, to provide a fund for the support of indigent children.

BYRON G. ALLEN, *Secretary of the Senate.*

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing

that he had signed, on the twentieth day of January, the following bill.

Senate File 267, relating to insurance on grain stored and sealed under the provisions of Chapter 427, Code, 1931.

HOUSE FILE 160 CONSIDERED

The time arrived for consideration of House File 160, made special order for 1:15 today.

THIRD READING OF BILLS

On motion of Senator Mullaney House File 160, a bill for an act to amend Section Forty-nine Hundred Nine (4909), Code, 1931, and to repeal Section Forty-nine Hundred Ten (4910), Code, 1931, as amended by Chapter Seventy-seven (77), Section One (1), Acts of the Forty-fifth (45th) General Assembly, and enacting a substitute therefor, relating to motor vehicle license fees, called from the committee on motor vehicles by motion on page 651 of the Senate journal was taken up and considered.

The bill was read for information.

President N. G. Kraschel took the chair at 1:20 p. m.

The time having arrived for consideration of Senate File 272, a special order, Senator Beardsley moved that the Senate allow 15 minutes additional time to the consideration of House File 160.

The motion prevailed.

Senator Harrington moved the previous question, which motion prevailed.

Senator Patterson raised the point of order that the previous question had prevailed and the speaker was out of order.

The President held that the Senator speaking had been referred to by the author of the bill and was not out of order.

Senator Mullaney moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 45.

Anderson	Elthon	McArthur	Roelofs
Aschenbrenner	Frailey	Meyer	Schmidt
Baldwin	Geske	Miller of	Shangle
Beardsley	Harrington	Buchanan	Stanley
Beatty	Hicklin	Miller of Jones	Stevens of
Booth	Hill	Moore	Decatur
Byers	Hopkins	Mullaney	Stevens of
Calhoun	Hush	Nelson	Wapello
Carden	Irwin	Patterson	Tripp
Chrystal	Kimberly	Pendray	Valentine
Coykendall	Klemme	Reese	Wenner
Doze	Leo	Ritchie	Wilson

Nays, 1.

Husted

Absent or not voting, 4.

Bennett	Fisch	Knudson	Topping
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Mullaney moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

SENATE FILE 272 CONSIDERED

The time arrived for consideration of Senate File 272.

There being a call of the Senate on file, roll call revealed the presence of all Senators except Senators Bennett, Fisch and Knudson.

Senator Pendray moved that Senator Fisch be excused indefinitely, on account of illness.

The motion prevailed.

By unanimous consent of request of Senator Valentine, the absent Senators were excused temporarily or until requested for a vote.

On motion of Senator Hicklin Senate File 272, a bill for an act to limit the amount of taxes assessed against property to provide for the raising of public revenue from other sources by imposing a tax or taxes upon the privilege of doing business in the state of Iowa, in accordance with certain specified classifications and to provide for the ascertainment, assessment, and collection of such taxes; to provide for the distribution and use of revenue

derived under this act so as to provide a partial substitute for such property taxes; to regulate the revenue raised by public schools from tuition; to amend chapter sixty-two (62) of the laws of the Forty-fifth General Assembly; to repeal all laws or parts of laws in conflict herewith, and to provide penalties for the violation of the provisions of this act, reported out by the committee of the whole was taken up and considered.

The bill was read for information.

Senator Hicklin moved that the amendments be taken up and considered in order of their filing.

The motion prevailed.

Senator Knudson appeared in the Senate chamber.

Senators Hill and Calhoun offered a substitute for all pending amendments and moved its adoption.

Senator Hill stated that his amendment was the same as Senate File 1, as before the committee of the whole and asked that the reading be waived.

As a substitute for all pending amendments, we move to amend Senate File 272 by striking all after the enacting clause and substituting in lieu thereof the following:

"Division I. Introductory Provisions

Section 1. Classification of chapter. The provisions of this act are herein classified and designated as follows:

Division I. Introductory Provisions.

Division II. Personal Net Income Tax.

Division III. Business Tax on Corporations.

Division IV. Retail Sales Tax.

Division V. Administration.

Division VI. Allocation of Revenue.

Division VII. General Provisions.

Sec. 2. Purpose or object. This act shall be known as the "Property Relief Act," and shall have for its purpose the direct replacement of taxes already levied or to be levied on property to the extent of the net revenue obtained from the taxes imposed herein, which shall be apportioned back to the credit of individual taxpayers on the basis of the assessed valuation of taxable property as provided in Division VI of this act.

Sec. 3. Definitions controlling chapter. For the purpose of this act and unless otherwise required by the context.

1. The word "board" means the State Board of Assessment and Review.

2. The word "taxpayer" includes any person, corporation, or fiduciary who is subject to a tax imposed by this act.

Division II. Personal Net Income Tax

Sec. 4. Definitions controlling division. For the purpose of this division and unless otherwise required by the context:

1. The words "taxable income" means all net income as computed in this division.

2. The word "person" includes individuals and fiduciaries.

3. The words "income year" means the calendar year or the fiscal year upon the basis of which the net income is computed under this division.

4. The words "tax year" mean the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed under this division.

5. The words "fiscal year" mean an accounting period of twelve months, ending on the last day of any month other than December.

6. The word "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person, whether individual or corporate, acting in any fiduciary capacity for any person, trust, or estate.

7. The word "paid", for the purposes of the deductions under this division, means "paid or accrued" or "paid or incurred", and the terms "paid or incurred" and "paid or accrued" shall be construed according to the method of accounting upon the basis of which the net income is computed under this division. The term "received", for the purpose of the computation of net income under this division, means "received or accrued", and the term "received or accrued" shall be construed according to the method of accounting upon the basis of which the net income is computed under this division.

8. The word "resident" applies only to individuals and includes, for the purpose of determining liability to the tax imposed by this division upon or with reference to the income of any tax year, any individual domiciled in the state of Iowa, and any other individual who maintains a permanent place of abode within the state, or spends in the aggregate more than six months of the tax year within the state.

9. The words "foreign country" mean any jurisdiction other than one embraced within the United States. The words "United States", when used in a geographical sense, include the states, the territories of Alaska, Hawaii, the District of Columbia, and the possessions of the United States.

10. The word "individual" means a natural person.

11. The word "dividend" means any distribution made by a corporation out of its earnings or profits to its shareholders or members, whether in cash or in other property of the corporation.

12. The term "head of a family" means an individual who, during the taxable year, maintained a household and supported therein himself and one or more persons who were dependent upon him for support; provided, however, that such dependents must be of blood relation, marriage or adoption.

Sec. 5. Tax imposed. A tax is hereby imposed, beginning the first day of January, 1934, upon every resident of the state, which tax shall be

levied, collected and paid annually upon and with respect to his entire taxable income as herein defined at rates as follows:

(a) On the first one thousand dollars of taxable income, or any part thereof, one per cent (1%).

(b) On the second thousand dollars of taxable income, or any part thereof, two per cent (2%).

(c) On the third thousand dollars of taxable income, or any part thereof, three per cent (3%).

(d) On the fourth thousand dollars of taxable income, or any part thereof, four per cent (4%).

(e) On the fifth thousand dollars of taxable income, or any part thereof, five per cent (5%), and on all taxable income in excess of five thousand dollars, five per cent (5%).

The tax herein levied shall be computed and collected as hereinafter provided.

Sec. 6. Income from estates or trusts. 1. The tax imposed by this division shall apply to and become a charge against estates or trusts, which tax shall be levied, collected and paid annually upon and with respect to the income of estates or any kind of property held in trust, including:

(a) Income received by estates of deceased persons during the period of administration or settlement of the estate.

(b) Income accumulated in trust for the benefit of unborn or unascertained persons, or persons with contingent interest.

(c) Income held for future distribution under the terms of the will or trust.

(d) Income which is to be distributed to the beneficiaries periodically, whether or not at regular intervals, and the income collected by a fiduciary to be held or distributed, as the court may direct.

(e) Income of an estate during the period of administration or settlement upon which the tax is to be paid as provided in sub-section 4 of this section.

(f) The net income received during the year by deceased individuals who have died on or after the date a return was due to be filed without having made a return.

2. The fiduciary shall be responsible for making the return of income for the estate or trust for which he acts, whether such income be taxable to the estate or trust or to the beneficiaries thereon. The net income of an estate or trust shall be computed in the same manner and on the same basis as provided in this division for individual taxpayers, except that there shall also be allowed as a deduction any party of the gross income which, pursuant to the terms of the will or deed creating the trust, is, during the taxable year, paid to or permanently set aside for the United States, any state, territory, or any political subdivision thereof, or the District of Columbia, or any corporation or association organized and operated exclusively for religious, charitable, scientific or educational purposes, or for the prevention of cruelty to children or animals, no party of the net earnings of which inures to the benefit of any private stockholder or individual; and, in cases under paragraph (d) and (e) of sub-

division one (1) of this section, the fiduciary shall include in the return a statement of each beneficiary's distributive share of such net income whether or not distributed before the close of the tax year for which the return is made.

3. In cases under paragraph (a), (b) and (c) of subdivision one (1) of this section the tax shall be imposed upon the estate or trust with respect to the net income of the estate or trust and shall be paid by the fiduciary, except that in determining the net income of the estate of any deceased person during the period of administration or settlement there may be deducted the amount of any income properly paid or credited to any legatee, heir or other beneficiary. In cases under (a), (b) and (c) the estate or trust shall be allowed the same exemptions as are allowed to single persons under this division, and in cases under paragraph (f) the same exemption as would be allowed the deceased, if living.

4. In cases under paragraphs (d) and (e) of subdivision one (1) of this section, if the distribution of income is in the discretion of the fiduciary, either as to the beneficiaries to whom payable or as to the amounts to which any beneficiary is entitled, the tax shall be imposed upon the estate or trust in the manner provided in subdivision three (3) of this section, but without the deduction of any amounts of income paid or credited to any such beneficiary. In all other cases under paragraphs (d) and (e) of subdivision one (1) of this section, the tax shall not be paid by the fiduciary, but there shall be included in computing the net income of each beneficiary his distributive share whether distributed or not, of the net income of the estate or trust for the taxable year, or if his net income for such taxable year is computed upon the basis of a period different from that upon the basis of which the net income of the estate or trust is computed, then his distributive share of the net income of the estate or trust for any accounting period of such estate or trust ending within the fiscal or calendar year upon the basis of which such beneficiary's net income is computed.

Sec. 7. "Net income" defined. The term "net income" means the gross income of the taxpayer less the deductions allowed by this division.

Sec. 8. "Gross income" defined—exceptions. 1. The term "gross income" includes gains, profits and incomes derived from salaries, wages, or compensation for personal service, of whatever kind and in whatever form paid, or from professions, vocations, trades, business, commerce, or reoccurring profits and income growing out of the ownership or use of or interest in property, real or personal; also from interest, rent, dividends, securities, or the transaction of any business carried on for gain or profit; or gains or profits, and income derived from any source whatever and in whatever form paid. The amount of all such items shall be included in the gross income of the tax year in which received by the taxpayer, unless, under the methods of accounting permitted under this division, any such amounts are to be properly accounted for as of a different period.

2. The term "gross income" does not include the following items, which shall be exempted from taxation under this division:

(a) Capital gains and profits arising from the sale or exchange of real or personal property of the taxpayer.

(b) (1) Amounts received under a life insurance contract paid by reason of the death of the insured, whether in a single sum or in installments (but if such amounts are held by the insurer under an agreement to pay interest thereon, the interest payments shall be included in gross income).

(2) Amounts received (other than amounts paid by reason of the death of the insured and interest payments on such amounts) under a life insurance, endowment, or annuity contract, but if such amounts (when added to amounts received before the taxable year under such contract) exceed the aggregate premium or consideration paid (whether or not paid during the taxable year) then the excess shall be included in gross income. In the case of a transfer for a valuable consideration, by assignment or otherwise, of a life insurance, endowment, or annuity contract, or any interest therein, only the actual value of such consideration shall be exempt from taxation under paragraph 1 of this paragraph.

(c) The value of property acquired by good faith gift, bequest, devise, or descent (but the income from such property shall be included in gross income).

(d) Interest upon the obligations of the United States or its possessions, agencies, or instrumentalities, which is or shall be exempt from state taxation by federal law.

(e) Salaries, wages, pensions and other compensation received from the United States by officials, employees or veterans thereof which are or shall be exempt from state taxation by federal law.

(f) Any amounts received through accident or health insurance or under workmen's compensation acts as compensation for personal injuries or sickness, plus the amount of damages received, whether by suit or agreement, on account of such injuries or sickness.

(g) Stock dividends of a corporation distributed to its own stockholders.

3. Every individual, taxable under this division, who is a beneficiary of an estate or trust, shall include in his gross income the distributive share of the net income of the estate or trust, received by him or distributable to him during the income year. Unless otherwise provided in the law, the will, the deed or other instrument creating the estate, trust or fiduciary relation, the net income shall be deemed to be distributed or distributable to the beneficiaries (including the fiduciary as a beneficiary, in the case of income accumulated for future distribution) ratably, in proportion to their respective interests.

Sec. 9. Allowable deductions on gross income. In computing net income there shall be allowed as deductions:

1. All the ordinary and necessary expenses, paid or incurred, in case of report on an accrual basis, during the tax year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal service actually rendered, traveling expenses while away from home in pursuit of trade or business, and including rentals or other payments required to be made as a condition to the continued use or possession, for the purpose of the trade or business, of

property to which the taxpayer has not taken or is not taking title or in which he has no equity.

2. All interest paid or accrued during the tax year on indebtedness, except on indebtedness incurred or continued to purchase or carry obligations or securities, the interest on which is exempt from taxation under this division.

3. Taxes paid or accrued within the income year, imposed by the authority of the United States or of any of its possessions or of any state, territory or the District of Columbia or of any foreign country; except inheritance taxes, Federal estate taxes or estate taxes of this or any other state, and except income taxes imposed by this division and taxes assessed for local benefit, of a kind tending to increase the value of the property assessed.

4. Credits ascertained to be worthless and charged off within the tax year if the amount has previously been included in gross income in a return under this division.

5. A reasonable allowance for the damage, destruction, depreciation, exhaustion, wear and tear and obsolescence of property used in the trade or business, and in the case of mines or other natural deposits and timber a reasonable allowance for depletion; provided, that in computing the allowance granted under this paragraph the basis shall be the cost of such property (including, in the case of mines and other natural deposits, the cost of development not otherwise deducted), except where the property was acquired prior to January 1, 1934, the basis shall be the cost less reasonable depreciation accrued thereon up to January 1, 1934, but in no event less than its fair market value on said date. The reasonable allowance under this paragraph shall be made under rules and regulations to be prescribed by the board. In the case of leases the allowances granted may be equitably apportioned between the lessor and the lessee.

6. Donations made within the taxable year to or for the use of:

(a) The United States, any state, territory or political subdivision thereof, or the District of Columbia, for exclusively public purposes;

(b) Any corporation or trust, or community chest, fund, or foundation, organized and operated exclusively for religious, or for charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals;

(c) Gifts and donations made and accepted under section thirty-eight hundred fifty-five (3855), Code, 1931.

(d) Posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations;

(e) Fraternal societies operating under the lodge system, if such contributions are to be used exclusively for religious, charitable or educational purposes.

The foregoing deductions are limited to an amount which, in all of the above cases combined, does not exceed fifteen per cent (15%) of the taxpayer's net income, computed without the benefit of such deductions.

7. For the purpose of simplifying returns, in all cases where the taxpayer's gross income does not exceed, in the case of a single individual, one thousand dollars, and in the case of a husband and wife or head of a

family; one thousand six hundred dollars, the taxpayer may claim a deduction of ten per cent (10%) of the gross income, in lieu of all other deductions which might be claimed under this division.

Sec. 10. Unallowable deductions on gross income. In computing the income no deductions shall in any case be allowed in respect to the following:

1. Personal, living or family expenses.
2. Any amount paid out for new buildings or for permanent improvements or betterments, made to increase the value of any property or estate.
3. Any amount expended in restoring property on which an allowance for depreciation or depletion is or has been made.
4. Premiums paid on any life insurance policy covering the life of any officer or employee or of any individual financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy.
5. Capital losses resulting from the sale or exchange of real or personal property of the taxpayer, or in connection with stocks, bonds, or other securities determined to be worthless and charged off during the taxable year.

Sec. 11. Credit on tax. A credit shall be allowed against the amount of tax computed to be due and payable under this division, to the extent of the tax which has been assessed against and paid by a corporation under Division III of this act on income which is represented by dividends on stock in said corporation, received by the taxpayer and included in his gross income within the tax year; provided that when only part of the income of any corporation shall have been assessed and income tax paid under said division, only a corresponding amount of tax shall be deducted; and provided further that such corporation has reported the name and address of each person owning stock and the amount of dividends paid each such person during the year.

Sec. 12. Deduction from computed tax. 1. There shall be deducted from the tax after the same shall have been computed as set forth in this division a personal exemption as follows:

- (a) For a single individual, six dollars.
- (b) For husband and wife or head of a family, twelve dollars.
- (c) For each child under the age of twenty-one years who is actually supported by and dependent upon the taxpayer for his support, an additional two dollars.
- (d) For each actual dependent other than as specified in division (c) of this section, an additional two dollars.

2. The personal exemptions provided by this section shall be determined according to regulations to be prescribed by the board.

Sec. 13. Return by individual. 1. Every individual having a net income for the tax year from sources taxable under this division, of six hundred dollars or over, if single, or if married and not living with husband or wife; or having a net income for the tax year of eleven hundred dollars or over if married and living with husband or wife, shall make a return under oath, stating specifically the items of gross income and the deductions and exemptions allowed by this division.

2. If husband and wife living together have an aggregate net income of eleven hundred dollars or over, each shall make such a return, unless the income of each is included in a single joint return.

3. If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by a guardian or other person charged with the care of the person or property of such taxpayer.

4. Provided, also that every individual having a gross income of three thousand dollars a year or over, shall file a return.

Sec. 14. Return by fiduciary. 1. Every fiduciary subject to taxation under the provisions of this division, as provided in section six (6) hereof, shall make a return under oath for the individual, estate or trust for whom or for which he acts, if the net amount thereof amounts to six hundred dollars or more or the gross amount thereof amounts to two thousand dollars or more.

2. The return made by a fiduciary shall state specifically the items of gross income and the deductions and exemptions allowed by this division and such other facts as the board may prescribe. Under such regulations as the board may prescribe, a return may be made by one of two or more joint fiduciaries.

3. Fiduciaries required to make returns under this division shall be subject to all the provisions of this division which apply to individuals.

Sec. 15. Information at source. Every person or corporation being a resident of or having a place of business in this state, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, employers and all officers and employees of the state or of any political subdivision of the state, having the control, receipt, custody, disposal or payment of interest (other than interest coupons payable to bearer), rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments or other fixed or determinable annual or periodical gains, profits and income, amounting to one thousand dollars or over, paid or payable during any year to any resident of this state, shall make complete return thereof under oath, to the board, under such regulations and in such form and manner and to such extent as may be prescribed by it.

2. Every partnership, having a place of business in the state, shall make a return, stating specifically the items of its gross income and the deductions allowed by this division, and shall include in the return the names and addresses of the individuals who would be entitled to share in the net income if distributed, and the amount of the distributive share of each individual. The return shall be sworn to by any one of the partners.

3. Every fiduciary shall make, under oath, a return for the individual, estate, or trust for whom or for which he acts, and shall set forth in such return the items of the gross income, the deductions allowed by this division, the net income, the names and addresses of the beneficiaries, the amounts distributed or distributable to each and the amount, if any, lawfully retained by him for future distribution. Such return may be made by one or two or more joint fiduciaries.

Sec. 16. Base of returns. 1. Taxpayers, who customarily determine

their income on a basis other than that of actual cash receipts and disbursements, may, with the approval of the board, return their net income under this division upon a similar basis. Taxpayers who customarily determine their income on the basis of an established fiscal year instead of on that of the calendar year, may, with the approval of the board, and subject to such rules and regulations as it may establish, return their net income under this division on the basis of such fiscal year, in lieu of that of the calendar year.

2. A taxpayer may, with the approval of the state board, and under such regulations as it may prescribe, change his income year from the fiscal year to the calendar year or otherwise, in which case his net income shall be computed upon the basis of such new tax year.

3. An individual carrying on business in partnership shall be liable for income tax only in his individual capacity and shall include in his gross income his share of the net income of the partnership during the income year.

4. Every individual, taxable under this division, who is a beneficiary of an estate or trust, shall include in his gross income the distributive share of the net income of the estate or trust, received by him or distributable to him during the income year. Unless otherwise provided in the law, the will, the deed or other instrument creating the estate, trust or fiduciary relation, the net income shall be deemed to be distributed or distributable to the beneficiaries (including the fiduciary as a beneficiary, in the case of income accumulated for future distribution) ratably, in proportion to their respective interests.

Sec. 17. Form and time of return. Returns shall be in such form as the board may, from time to time, prescribe, and shall be filed with the board within ninety days after the expiration of the tax year. In case of sickness, absence or other disability, or whenever, in its judgment, good cause exists, the board may allow further time for filing returns. The return shall be made under oath. The board shall cause them to be distributed throughout the state and to be furnished upon applications, but failure to receive or secure the form shall not relieve the taxpayer from the obligation of making any return herein required.

Sec. 18. Supplementary returns. If the board shall be of the opinion that any taxpayer required under this division to file a return has failed to file such a return or to include in a return filed, either intentionally or through error, items of taxable income, it may require from such taxpayer a return or supplementary return, under oath, in such form as it shall prescribe, of all the items of income which the taxpayer received during the year for which the return is made, whether or not taxable under the provisions of this division. If from a supplementary return, or otherwise, the board finds that any items of income, taxable under this division, have been omitted from the original return, it may require the items so omitted to be added to the original return. Such supplementary return and the correction of the original return shall not relieve the taxpayer from any of the penalties to which he may be liable under any provisions of this division, whether or not the board required a return or a supplementary return under this section.

Sec. 19. Return by administrator. The return by an individual, who, while living, was subject to income tax in the state during the tax year, and who has died before making the return, shall be made in his name and behalf by the administrator or executor of the estate and the tax shall be levied upon and collected from his estate.

Sec. 20. Installment payments—interest. 1. The tax may be paid in two installments, each consisting of one-half of the total amount of the tax. The first installment shall be remitted with the return and the second installment shall be paid on or before six months after the date fixed for filing the return; provided, however, that in case the total amount of the tax shall be ten dollars or less, then, and in that case, the whole amount of the tax shall be paid at the time of filing the return.

2. When, at the request of the taxpayer, the time for filing the return is extended, interest at the rate of six per cent (6%) per annum on one-half of the total tax, from the time when the return was originally required to be filed to the time of payment, shall be added and paid.

Sec. 21. Computation of tax, interest and penalties.

1. As soon as practicable after the return is filed the board shall examine it and determine the correct amount of tax, and the amount so determined by the board shall be the tax. If the tax found due shall be greater than the amount theretofore paid, the excess, together with interest and penalty as hereinafter provided shall be paid by the taxpayer within ten days after the board shall have given notice thereof to the taxpayer by registered mail.

2. If the board discovers from the examination of the return or otherwise that the income of the taxpayer, or any portion thereof, has not been listed in the return, or that no return was filed when one was due, it may at any time within five years after the time when such return was due, determine the correct amount of the tax together with interest and penalty as hereinafter provided. The amount thereof shall be paid within ten days after the board shall have given notice thereof to the taxpayer by registered mail.

3. To the tax or additional tax as determined by the board under the provisions of paragraphs one (1) and two (2) of this section there shall be added and made a part thereof an additional amount, by way of penalty, equal to five per cent (5%) of such tax and additional tax, but in no case less than one dollars (\$1.00), and an additional one per cent (1%) interest for each month or fraction of a month during which the tax and/or additional tax remains unpaid. The interest provided for herein shall in all cases be computed from the date the return was originally required to be filed.

4. If the amount of the tax as determined by the board shall be less than the amount theretofore paid, the excess shall be refunded with interest after sixty days from the date of payment at six per cent (6%) per annum under the provisions of such regulations as may be prescribed by the board.

5. All payments received must be credited first, to the penalty and interest accrued, and then to the tax due.

6. The board shall have power, upon making a record of its reasons

therefor, to waive or reduce any of the penalties and/or interest provided for herein.

7. Any person who, with fraudulent intent, refuses to pay any tax or to make, render, sign or verify any return, or to supply any information within the time required by or under the provisions of this division, shall be liable to a penalty of not more than one thousand dollars (\$1,000.00) to be recovered by the attorney general in the name of the state by action in the district court. The board shall have the power to compromise the penalty imposed by this sub-section. Such penalties shall be in addition to all other penalties in this division provided.

8. Any person required to make, render, sign or verify any return or supplemental return, who makes any false or fraudulent return, with intent to defeat or evade the assessment required by law to be made, shall be guilty of a felony and shall upon conviction, for each such offense, be fined not more than five thousand dollars (\$5,000.00) and be imprisoned not exceeding one year, or be subject to both fine and imprisonment, in the discretion of the court.

9. The certificate of the board to the effect that a tax has not been paid, that a return has not been filed, or that information has not been supplied, as required under the provisions of this division shall be prima facie evidence thereof.

Sec. 22. Lien of tax—collection—action authorized. Whenever any taxpayer liable to pay a tax and/or penalty imposed refuses or neglects to pay the same, the amount, including any interest, penalty, or addition to such tax, together with the costs that may accrue in addition thereto, shall be a lien in favor of the State of Iowa upon all property and rights to property, whether real or personal, belonging to said taxpayer.

The lien aforesaid shall attach at the time the tax becomes due and payable and shall continue until the liability for such amount is satisfied.

In order to preserve the aforesaid lien against subsequent mortgagees, purchasers or judgment creditors, for value and without notice of the lien, on any property situated in a county, the board shall file with the recorder of the county, in which said property is located, a notice of said lien.

The county recorder of each county shall prepare and keep in his office a book to be known as "Index of Income Tax Liens", so ruled as to show in appropriate columns the following data, under the names of taxpayers, arranged alphabetically:

1. The name of the taxpayer.
2. The name "State of Iowa" as claimant.
3. Time notice of lien was received.
4. Date of notice.
5. Amount of lien then due.
6. When satisfied.

The recorder shall indorse on each notice of lien the day, hour, and minute when received and preserve the same, and shall forthwith index said notice in said index book, and the said notice shall be effective from the time of receipt thereof.

Upon the payment of a tax as to which the board has filed notice with

a county recorder, the board shall forthwith file with said recorder a satisfaction of said tax and the recorder shall enter said satisfaction on the notice on file in his office and indicate said fact on the index aforesaid.

The board shall, substantially as provided in sections seventy-one hundred eighty-nine (7189) and seventy-one hundred eighty-nine-d one (7189-d1) of the Code, proceed to collect all taxes and/or penalties as soon as practicable after the same become delinquent, except that no property of the taxpayer shall be exempt from the payment of said tax.

The attorney general shall, upon the request of the board, bring an action at law or in equity, as the facts may justify, without bond, to enforce payment of any taxes and/or penalties, and in such action he shall have the assistance of the county attorney of the county in which the action is pending.

It is expressly provided that the foregoing remedies of the state shall be cumulative and that no action taken by the board or attorney general shall be construed to be an election on the part of the state or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy provided by law.

Sec. 23. Final report of fiduciary—conditions.

1. No final account of a fiduciary shall be allowed by any court unless such account shows, and the judge of said court finds, that all taxes imposed by the provisions of this division upon said fiduciary, which have become payable, have been paid, and that all taxes which may become due are secured by bond, deposit or otherwise. The certificate of the board and the receipt for the amount of the tax therein certified shall be conclusive as to the payment of the tax to the extent of said certificate.

2. For the purpose of facilitating the settlement and distribution of estates held by fiduciaries, the board may, on behalf of the state, agree upon the amount of taxes at any time due or to become due from such fiduciaries under the provisions of this division, and payment in accordance with such agreement shall be full satisfaction of the taxes to which the agreement relates.

Sec. 24. Revision of tax. A taxpayer may appeal to the board for revision of the tax, interest and/or penalties assessed against him at any time within ninety days from the date of the notice of the assessment of such tax, additional tax, interest and/or penalties. The board shall grant a hearing thereon and if, upon such hearing, it shall determine that the tax, interest and/or penalties are excessive or incorrect, it shall revise the same according to the law and the facts and adjust the computation of the tax, interest and/or penalties accordingly. The board shall notify the taxpayer by registered mail of its findings and shall refund to the taxpayer the amount, if any, paid in excess of the tax, interest and/or penalties found by it to be due with interest after sixty days from the date of payment by the taxpayer at six per cent (6%) per annum.

Sec. 25. Appeals.

1. An appeal may be taken by the taxpayer to the district court of the county in which he resides, or in which his principal place of business is located, within sixty days after he shall have received notice from the board of its determination as provided for in the preceding section.

2. The appeal shall be taken by a written notice to the chairman of the board and served as an original notice. When said notice is so served it shall, with the return thereon, be filed in the office of the clerk of said district court, and docketed as other cases, with the taxpayer as plaintiff and the board as defendant. The plaintiff shall file with such clerk a bond for the use of the defendant, with sureties approved by such clerk, in penalty at least double the amount of tax appeals from, and in no case shall the bond be less than fifty dollars (\$50.00), conditioned that the plaintiff shall perform the orders of the court.

3. The court shall hear the appeal in equity and determine anew all questions submitted to it on appeal from the determination of the board. The court shall render its decree thereon and a certified copy of said decree shall be filed by the clerk of said court with the board who shall then correct the assessment in accordance with said decree. An appeal may be taken by the taxpayer or the board to the supreme court of this state in the same manner that appeals are taken in suits in equity, irrespective of the amount involved.

Sec. 26. Jeopardy assessments.

1. If the board believes that the assessment or collection of taxes will be jeopardized by delay, the board may immediately make an assessment of the estimated amount of tax due, together with all interest, additional amounts or penalties, as provided by law, and demand payment thereof from the taxpayer. If such payment is not made, a distress warrant may be issued or a lien filed against such taxpayer immediately.

The board shall be permitted to accept a bond from the taxpayer to satisfy collection until the amount of tax legally due shall be determined. Such bond to be in an amount deemed necessary, but not more than double the amount of the tax involved, and with securities satisfactory to the board.

Division III. Business Tax on Corporations

Sec. 27. Definitions. For the purpose of this division and unless otherwise required by the context:

1. The word "corporation" includes joint stock companies, limited partnerships, and associations organized for pecuniary profit.

2. The words "domestic corporation" mean any corporation organized under the laws of this state.

3. The words "foreign corporation" mean any corporation other than a domestic corporation.

The words, terms, and phrases defined in paragraphs one (1) and three (3) to eleven (11), section four (4), Division II of this act, when used in this division, shall have the meanings ascribed to them in said section except where the context clearly indicates a different meaning.

Sec. 28. Corporate tax imposed. A tax is hereby imposed, beginning the first day of January, 1934, upon each corporation organized under the laws of this state, and upon every foreign corporation doing business in this state, annually in an amount equivalent to two per cent of the net income as herein defined, received by such corporation during the income year.

(a) If the trade or business of the corporation is carried on entirely

within the state, the tax shall be imposed on the entire net income, but if such trade or business is carried on partly within and partly without the state, the tax shall be imposed only on the portion of the net income reasonably attributable to the State of Iowa to be determined as follows:

(1) Interest, dividends, rents and royalties (less related expenses) received in connection with business in the state, shall be allocated to the state, and where received in connection with business outside the state, shall be allocated outside of the state.

(2) Net income of the above class having been separately allocated and deducted as above provided, the remainder of the net income of the taxpayer shall be allocated and apportioned as follows:

Where income is derived from business other than the manufacture and sale of tangible personal property, such income shall be specifically allocated or equitably apportioned within and without the state under rules and regulations of the board.

Where income is derived from the manufacture or sale of tangible personal property, the part thereof attributable to business within the state shall be in that proportion which the gross sales made within the state bear to the total gross sales.

The gross sales of the corporation within the state shall be taken to be the gross sales from goods sold and delivered within the state, excluding deliveries for transportation out of the state.

For the purpose of this section, the word "sale" shall include exchange, and the word "manufacture" shall include the extraction and recovery of natural resources and all processes of fabricating and curing. The words "tangible personal property" shall be taken to mean corporeal personal property, such as machinery, tools, implements, goods, wares, and merchandise, and shall not be taken to mean money deposits in banks, shares of stock, bonds, notes, credits, or evidence of an interest in property and evidences of debt.

(b) If any taxpayer believes that the method of allocation and apportionment hereinbefore prescribed, as administered by the board and applied to his business, has operated or will operate as to subject him to taxation on a greater portion of his net income than is reasonably attributable to business or sources within the state, he shall be entitled to file with the board a statement of his objections and of such alternative method of allocation and apportionment as he believes to be proper under the circumstances with such detail and proof and within such time as the board may reasonably prescribe; and if the board shall conclude that the method of allocation and apportionment theretofore employed is in fact inapplicable and inequitable, it shall re-determine the taxable income by such other method of allocation and apportionment as seems best calculated to assign to the state for taxation the portion of the income reasonably attributable to business and sources within the state, not exceeding, however, the amount which would be arrived at by application of the statutory rules for apportionment.

Sec. 29. Exempted corporations and organizations. The following organizations and corporations shall be exempt from taxation under this division:

(a) All state, national, cooperative and savings banks, title insurance and trust companies, building and loan associations, domestic corporations operating under the provisions of chapter 392 of the Code, 1931, insurance companies and/or insurance associations, fraternal beneficiary associations, now or hereafter organized or incorporated by or under the laws of this state or lawfully operating in the state of Iowa.

(b) Cemetery corporations, organizations and associations and corporations organized for religious, charitable, scientific, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual.

(c) Business leagues, chambers of commerce, labor unions and auxiliary organizations, or boards of trade not organized for profit, and no part of the net earnings of which inures to the benefit of any private stockholder or individual.

(d) Civic leagues or organizations not organized for profit, but operated exclusively for the promotion of social welfare.

(e) Clubs, organizations or associations organized and operated exclusively for pleasure, recreation, and other non-profitable purposes, no part of the net earnings of which inures to the benefit of any private stockholder or member.

Sec. 30. Applicable statutes. All the provisions of sections seven (7), eight (8), nine (9), ten (10), and eleven (11) of Division II of this act, insofar as the same are applicable, shall apply in computing the amount of net income of a corporation taxable under this division.

Sec. 31. Returns. 1. Every corporation shall make a return and the same shall be sworn to by the president, vice president, or other principal officer and by the treasurer or assistant treasurer. Before a corporation shall be dissolved and its assets distributed it shall make a return for any settlement of the tax for any income earned in the income year up to its final date of dissolution.

2. When any corporation, liable to taxation under this division, conducts its business in such a manner as either directly or indirectly to benefit the members or stockholders thereof or any person interested in such business by selling its products or the goods or commodities in which it deals at less than the fair price which might be obtained therefor, or where a corporation, a substantial portion of whose capital stock is owned either directly or indirectly by another corporation, acquires and disposes of the products, goods or commodities of the corporation so owning a substantial portion of its stock in such a manner as to create a loss or improper net income for either of said corporations, or where a corporation, owning directly or indirectly a substantial portion of the stock of another corporation, acquires and disposes of the products, goods or commodities, of the corporation of which it so owns a substantial portion of the stock, in such a manner as to create a loss or improper net income for either of said corporations, the board may determine the amount of taxable income of either or any of such corporations for the calendar or fiscal year, having due regard to the reasonable profits which, but for such arrangement or understanding, might or could have been obtained, by

the corporation or corporations liable to taxation under this division, from dealing in such products, goods or commodities.

3. Where the state board has reason to believe that any person or corporation so conducts his trade or business as either directly or indirectly to distort his true net income and the net income properly attributable to the state, whether by the arbitrary shifting of income, through price fixing, charges for services, or otherwise, whereby the net income is arbitrarily assigned to one or another unit in a group of taxpayers carrying on business under a substantially common control, it may require such facts as it deems necessary for the proper computation of the entire net income and the net income properly attributable to the state, and shall determine the same, and in the determination thereof the board shall have regard to the fair profits which would normally arise from the conduct of the trade or business.

Sec. 32. Consolidated returns. 1. Any corporation capable of exercising directly or indirectly substantially the entire control of the business of another corporation doing business in the United States either by ownership or control of substantially the entire capital stock of such other corporation, or otherwise, may, under regulations to be prescribed by the board, be permitted, and upon demand of the board shall be required, to make a consolidated return, showing the consolidated net income of all of such corporations, and such other information as the board may require in order to compute the net income properly attributable to the state and to impose the tax upon the taxpayers concerned.

2. The board may require the filing of a consolidated return where substantially the entire control of two or more such corporations liable to taxation under this division is exercised by the same interests, or under such other circumstances as the effective administration of this act may require. Any corporation liable to report under this division and owned or controlled, either directly or indirectly, by another corporation, may be required to make a consolidated report showing the combined net income, such assets of the corporation as are required for the purpose of this division, and such other information as the board may require.

3. In case it shall appear to the board that any arrangement exists in such a manner as improperly to reflect the business done, the segregable assets or the entire net income earned from business done in the state, the board is authorized and empowered, in such manner and under such rules and regulations as it may determine, equitably to adjust the tax.

4. When any corporation required to make a return under this division conducts the business, whether under arrangement or otherwise, in such manner as either directly or indirectly to benefit the members or stockholders of the corporation, or any of them, or any person or persons directly or indirectly interested in such business, by selling its products, or the goods or commodities in which it deals, at less than a fair price which might be obtained therefrom, or where such a corporation, a substantial portion of whose capital stock is owned either directly or indirectly by another corporation, acquires or disposes of the products of the corporation so owning the substantial portion of its capital stock in such manner as to create a loss or improper net income, the board may

require such facts as it deems necessary for the proper computation provided by this division, and may for the purpose of the division determine the amount which shall be deemed to be the entire net income of the business of such corporation for the calendar year or fiscal year, and in determining such entire net income the board shall have regard to the fair profits which, but for any agreement, arrangement or understanding, might be or could have been obtained from dealing in such products, goods or commodities.

Sec. 33. Applicable statutes. All the provisions of sections fifteen (15), sixteen (16), seventeen (17), and eighteen (18) of Division II of this act, insofar as the same are applicable, shall apply to corporations liable under this division.

Sec. 34. Applicable statutes. All the provisions of sections twenty (20), twenty-one (21), twenty-two (22), and twenty-three (23) of Division II of this act, respecting payment and collection, shall apply in respect to the tax due and payable by a corporation taxable under this division.

Sec. 35. Cancellation of authority—penalty—offenses. 1. If a corporation required by the provisions of this division to file any report or return or to pay any tax or fee, either as a corporation organized under the laws of this state, or as a foreign corporation doing business in this state for profit, or owning and using a part or all of its capital or plant in this state, fails or neglects to make any such report or return or to pay any such tax or fee for ninety days after the time prescribed in this division for making such report or return, or for paying such tax or fee, the board may in its discretion certify such fact to the secretary of state. The secretary of state shall thereupon cancel the articles of incorporation of any such corporation which is organized under the laws of this state by appropriate entry upon the margin of the record thereof, or cancel the certificate of authority of any such foreign corporation to do business in this state by proper entry. Thereupon all the powers, privileges, and franchises conferred upon such corporation by such articles of incorporation or by such certificate of authority shall cease and determine. The secretary of state shall immediately notify by registered mail such domestic or foreign corporation of the action taken by him.

2. Any person or persons who shall exercise or attempt to exercise any powers, privileges, or franchises under articles of incorporation or certificate of authority after the same are cancelled, as provided in any section of this division, shall pay a penalty of not less than one hundred dollars nor more than one thousand dollars, to be recovered by an action to be brought by the board.

3. Any corporation whose articles of incorporation or certificate of authority to do business in this state have been cancelled by the secretary of state, as provided in subsection one (1), or similar provisions of prior revenue acts, upon the filing, within ten years after such cancellation, with the secretary of state, of a certificate from the board that it has complied with all the requirements of this division and paid all state taxes, fees, or penalties due from it, and upon the payment to the secretary of state of an additional penalty of fifty dollars, shall be entitled again to exercise its rights, privileges, and franchises in this state; and the secretary of state shall cancel the entry made by him under the provisions of

subsection (1) or similar provisions of prior revenue acts, and shall issue his certificate entitling such corporation to exercise its rights, privileges, and franchises.

4. Any person, or any officer or employee of any corporation, or member or employee of any partnership, who, with intent to evade any requirement of this division or any lawful requirement of the board thereunder, shall fail to pay any tax or to make, sign, or verify any return or to supply any information required by or under the provisions of this division, shall be guilty of a misdemeanor and punished accordingly. Any person, corporation, or any officer or employee of a corporation, or member or employee of any partnership, who, with intent to evade any of the requirements of this division, or any lawful requirements of the board thereunder, shall make, render, sign, or verify any false or fraudulent return or statement, or shall supply any false or fraudulent information, or who shall aid, abet, direct, cause, or who shall procure anyone so to do, shall be liable to a penalty of not more than five thousand dollars, to be recovered by the attorney general, in the name of the state, by action in any court of competent jurisdiction, and shall also upon conviction be punished by imprisonment in the penitentiary for a term not exceeding one year, or by a fine of not less than five hundred dollars nor more than five thousand, or both. Such penalty shall be in addition to all other penalties in this division provided.

Sec. 36. Applicable statutes. All the provisions of section twenty-four (24) and section twenty-five (25) of Division II of this act, in respect to revision and appeal, shall be applicable to corporations taxable under this division.

Division IV. Retail Sales Tax

Sec. 37. Definitions. The following words, terms, and phrases, when used in this division, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal corporation, estate, trust, business trust, receiver, or any other group or combination acting as a unit, and the plural as well as the singular number.

(b) "Sale" means any transfer, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, for a consideration.

(c) "Retail sale" or "sale at retail" means the sale to a consumer or to any person for any purpose other than for proceedings, or for resale, in the form of tangible personal property or the sale of gas, electricity, water, and communication service to retail consumers or users.

(d) "Business" includes any activity engaged in by any person or caused to be engaged in by him with the object of gain, benefit, or advantage, either direct or indirect.

(e) "Retailer" includes every person engaged in the business of selling tangible goods, wares, or merchandise at retail, or the furnishing of gas, electricity, water and communication service, and tickets or admissions to places of amusement and athletic events as provided in this division.

(f) "Gross receipts" means the total amount of the sales of retailers, valued in money, whether received in money or otherwise, provided, how-

ever, that discounts for any purpose allowed and taken on sales shall not be included, nor shall the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. Provided, further, that on all sales of retailers, valued in money, when such sales are made under conditional sales contract, or under other forms of sale wherein the payment of the principal sum thereunder be extended over a period longer than sixty (60) days from the date of sale thereof, that only such portion of the sale amount thereof shall be accounted, for the purpose of imposition of tax imposed by this bill, as has actually been received in cash by the retailer during the accounting period as defined herein.

(g) "Relief agency" means the state, any county, city and county, city or district thereof, or any agency engaged in actual relief work.

Sec. 38. Tax imposed. There is hereby imposed, beginning January 1, 1934, and ending December 31, 1935, a tax upon the gross receipts from all sales of tangible personal property, consisting of goods, wares, or merchandise, except as otherwise provided in this division, sold at retail in the state of Iowa to consumers or users, determined by computing the tax on the amount of gross sales as follows:

(a) That portion of the gross receipts not in excess of \$50,000.00, by one-half of one per cent.

(b) That portion of the gross receipts in excess of \$50,000.00, and not in excess of \$100,000.00, by one per cent.

(c) That portion of the gross receipts in excess of \$100,000.00 and not in excess of \$150,000.00, by one and one-half per cent.

(d) That portion of the gross receipts in excess of \$150,000.00, by two per cent.

For the purpose of this sub-section, every person, firm, corporation, association, partnership or agency whatsoever operating in whole or in part any store, stores or places of sale or distribution in this state, for the purpose of selling at retail any tangible personal property, or electrical energy, manufactured and natural gas, straight or mixed, water or heat, and all petroleum products, crude and/or refined, except gasoline, to consumers or users thereof, shall be considered as a single unit for the collection of taxes under this act, and the rates as provided in this act shall be applied upon the entire volume of all sales made by any such retailer, or retailers, through all retail establishments or places of business, under the management or control, in whole or in part, of such retailer, or retailers. The state board shall provide for joint returns from the retailer in all cases where more than one retail agency, store or establishment is under the same general management, supervision, ownership or control, in whole or in part.

The tax herein shall be computed and collected as hereinafter provided.

Sec. 39. Exemptions. There are hereby specifically exempted from the provisions of this division and from the computation of the amount of tax imposed by it, the following:

(a) The gross receipts from sales of tangible personal property which this state is prohibited from taxing under the constitution or laws of the United States or under the constitution of this state.

(b) The gross receipts from the sales, furnishing or service of transportation service.

(c) The gross receipts from sales of tangible personal property used for the performance of a contract on public works executed prior to the effective date of this division.

(d) The gross receipts from sales of tickets or admissions to state, county, district and local fairs, and the gross receipts from educational, religious, or charitable activities, where the entire amount of such receipts is expended for educational, religious, or charitable purposes.

Sec. 40. Credit on tax. A credit shall be allowed against the amount of tax computed to be due and payable on the gross receipts from sales at retail of any tangible personal property upon which the state of Iowa now imposes a special tax, whether in the form of a license tax, stamp tax, or otherwise, to the extent of the amount of such tax levied and paid. Taxes paid on gross receipts represented by accounts found to be worthless and actually charged off for income tax purposes may be credited upon a subsequent payment of the tax herein provided; provided, that if such accounts are thereafter collected by the retailer, a tax shall be paid upon the amount so collected.

Sec. 41. Credit to relief agency. 1. A relief agency may apply to the board for refund of the amount of tax imposed hereunder and paid upon sales to it of any goods, wares, or merchandise used for free distribution to the poor and needy.

2. Such refunds may be obtained only in the following amounts and manner and only under the following conditions:

(a) On forms furnished by the board, and during the time herein provided for the filing of quarterly tax returns by retailers, the relief agency shall report to the board the total amount or amounts, valued in money, expended directly or indirectly for goods, wares, or merchandise used for free distribution to the poor and needy.

(b) On these forms the relief agency shall separately list the persons making the sales to it or to its order, together with the dates of the sales, and the total amount so expended by the relief agency.

(c) The relief agency must prove to the satisfaction of the board that the person making the sales has included the amount thereof in the computation of the gross receipts of such person and that such person has paid the tax levied by this division, based upon such computation of gross receipts.

3. If the board is satisfied that the foregoing conditions and requirements have been complied with, it shall refund the amount claimed by the relief agency.

Sec. 42. Unlawful acts. It shall be unlawful for any retailer to advertise or hold out or state to the public or to any consumer, directly or indirectly, that the tax or any part thereof imposed by this division will be assumed or absorbed by the retailer or that it will not be considered as an element in the price to the consumer, or if added, that it or any part thereof will be refunded.

Sec. 43. Records required. It shall be the duty of every retailer required to make a report and pay any tax under this division, to preserve

such records of the gross proceeds of sales as the board may require and it shall be the duty of every retailer to preserve for a period of two years all invoices and other records of goods, wares, or merchandise purchased for resale; and all such books, invoices, and other records shall be open to examination at any time by the board or any one of its duly authorized agents.

Sec. 44. Return of gross receipts. 1. The retailer shall, on or before the 15th day of the month following the close of the first quarterly period as defined in the following section, and on or before the 15th day of the month following each subsequent quarterly period of three months, make out a return for the preceding quarterly period in such form and manner as may be prescribed by the board, showing the gross receipts of the retailer, the amount of the tax for the period covered by such return, and such further information as the board may require to enable it correctly to compute and collect the tax herein levied; provided, however, that the board may, upon request by any retailer and a proper showing of the necessity therefor, grant unto such retailer an extension of time of not to exceed thirty (30) days for making such return. If such extension is granted to any such retailer, the time in which he is required to make payment as provided for in section forty-six (46) of this act shall be extended for the same period.

2. The board, if it deems to necessary or advisable in order to insure the payment of the tax imposed by this division, may require returns and payment of the tax to be made for other than quarterly periods, the provisions of section forty-six or elsewhere to the contrary notwithstanding.

3. Returns shall be signed by the retailer or his duly authorized agent, and must be verified by oath.

Sec. 45. Payment of tax—bond. 1. The tax levied hereunder shall be due and payable in quarterly installments on or before the 15th day of the month next succeeding each quarterly period, the first of such quarterly periods being the period commencing with January 1, 1934, and ending on the 31st day of March, 1934.

2. Every retailer, at the time of making the return required hereunder, shall compute and pay to the board the tax due for the preceding period.

3. The board may, when in its judgment it is necessary and advisable to do so in order to secure the collection of the tax levied under this division, require any person subject to such tax to file with it a bond, issued by a surety company authorized to transact business in this state and approved by the insurance commissioner as to solvency and responsibility, in such amount as the board may fix, to secure the payment of any tax and/or penalties due or which may become due from such person. In lieu of such bond, securities approved by the board, in such amount as it may prescribe, may be deposited with it, which securities shall be kept in the custody of the board and may be sold by it at public or private sale, without notice to the depositor thereof, if it becomes necessary so to do in order to recover any tax and/or penalties due. Upon any such sale, the surplus, if any, above the amounts due under this division shall be returned to the person who deposited the securities.

4. The tax by this division imposed upon those sales of motor vehicle fuel which are subject to tax and refund under sections 5093-a1 to 5093-a12, Code of Iowa (1931), shall be collected by the state treasurer by way of deduction from refunds otherwise allowable under sections 5093-a8, 5093-a10 of that act. The amount of such deductions he shall transfer from the motor vehicle fuel fund to the special tax fund.

Sec. 46. Permits—applications for. 1. Sixty days after the effective date of this act, it shall be unlawful for any person to engage in or transact business as a retailer within this state, unless a permit or permits shall have been issued to him as hereinafter prescribed. Every person desiring to engage in or conduct business as a retailer within this state shall file with the board an application for a permit or permits. Every application for such a permit shall be made upon a form prescribed by the board and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as the board may require. The application shall be signed by the owner if a natural person; in the case of an association or partnership, by a member or partner thereof; in the case of a corporation, by an executive officer thereof or some person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of his authority.

2. At the time of making such application, the applicant shall pay to the board a permit fee of fifty cents (50c) for each permit, and the applicant must have a permit for each place of business.

3. Upon the payment of the permit fee or fees herein required, the board shall grant and issue to each applicant a permit for each place of business within the state. A permit is not assignable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

4. Permits issued under the provisions of this division shall be valid and effective without further payment of fees until revoked by the board.

5. Whenever the holder of a permit fails to comply with any of the provisions of this division or any rules or regulations of the board prescribed and adopted under this division, the board upon hearing after giving ten days' notice of the time and place of the hearing to show cause why his permit should not be revoked, may revoke the permit. The board shall also have the power to restore licenses after such revocation.

6. The board shall charge a fee of one dollar for the issuance of a permit to a retailer whose permit has been previously revoked.

Sec. 47. Failure to file return—incorrect return. If a return required by this division is not filed, or if a return when filed is incorrect or insufficient and the maker fails to file a corrected or sufficient return within twenty days after the same is required by notice from the board, such board shall determine the amount of tax due from such information as it may be able to obtain and, if necessary, may estimate the tax on the basis of external indices, such as number of employees of the person concerned, rentals paid by him, his stock on hand, and/or other factors. The board shall give notice of such determination to the person

liable for the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed shall, within thirty days after the giving of notice of such determination, apply to the board for a hearing or unless the board of its own motion shall reduce the same. At such hearing evidence may be offered to support such determination or to prove that it is incorrect. After such hearing the board shall give notice of its decision to the person liable for the tax.

Sec. 48. Appeals. 1. An appeal may be taken by the taxpayer to the district court of the county in which he resides, or in which his principal place of business is located, within sixty days after he shall have received notice from the board of its determination as provided for in the preceding section.

2. The appeal shall be taken by a written notice to the chairman of the board and served as an original notice. When said notice is so served it shall, with the return thereon, be filed in the office of the clerk of said district court, and docketed as other cases, with the taxpayer as plaintiff and the board as defendant. The plaintiff shall file with such clerk a bond for the use of the defendant, with sureties approved by such clerk, in penalty at least double the amount of tax appealed from, and in no case shall the bond be less than fifty dollars (\$50.00), conditioned that the plaintiff shall perform the orders of the court.

3. The court shall hear the appeal in equity and determine anew all questions submitted to it on appeal from the determination of the board. The court shall render its decree thereon and a certified copy of said decree shall be filed by the clerk of said court with the board who shall then correct the assessment in accordance with said decree. An appeal may be taken by the taxpayer or the board to the supreme court of this state in the same manner that appeals are taken in suits of equity, irrespective of the amount involved.

Sec. 49. Applicable statutes. All the provisions of section twenty-two (22) of Division II of this act shall apply in respect to the taxes and/or penalties imposed by this division.

Sec. 50. Service of notices. 1. Any notice, except notice of appeal, authorized or required under the provisions of this division may be given by mailing the same to the person for whom it is intended by registered mail, addressed to such person at the address given in the last return filed by him pursuant to the provisions of this division, or if no return has been filed, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this division by the giving of notice shall commence to run from the date of registration and posting of such notice.

2. The provisions of the Iowa Code relative to the limitation of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this division.

Sec. 51. Penalties—offenses. 1. Any person failing to file a return or corrected return or to pay any tax within the time required by this division, shall be subject to a penalty of five per cent (5%) of the amount

of tax due, plus one per cent (1%) of such tax for each month of delay or fraction thereof, excepting the first month after such return was required to be filed or such tax became due; but the board, if satisfied that the delay was excusable, may remit all or any part of such penalty. Such penalty shall be paid to the board and disposed of in the same manner as other receipts under this division. Unpaid penalties may be enforced in the same manner as the tax imposed by this division.

2. Any person who shall sell tangible personal property, tickets or admissions to places of amusement and athletic events, or gas, water, electricity and communication service at retail in this state after his license shall have been revoked, or without procuring a license within sixty (60) days after the effective date of this act, as provided in section 47 of this act, or who shall violate the provisions of section 42 of this act, and the officers of any corporation who shall so act, shall be guilty of a misdemeanor punishment for which shall be a fine of not more than one thousand dollars or imprisonment for not more than one year, or both fine and imprisonment, in the discretion of the court.

3. Any person required to make, render, sign, or verify any return or supplementary return, who makes any false or fraudulent return with intent to defeat or evade the assessment required by law to be made, shall be guilty of a felony and shall, for each such offense, be fined not less than five hundred dollars and not more than five thousand dollars, or be imprisoned not exceeding one year, or be subject to both a fine and imprisonment, in the discretion of the court.

4. The certificate of the board to the effect that a tax has not been paid, that a return has not been filed, or that information has not been supplied pursuant to the provisions of this division, shall be prima facie evidence thereof.

Division V. Administration

Sec. 52. Generally—bond—approval. The board shall administer the taxes imposed by this act. Each member of said board shall give a bond in an amount to be fixed by the governor, which has been issued by a surety company authorized to transact business in this state and approved by the insurance commissioner as to solvency and responsibility. The reasonable cost of said bond shall be paid by the state, out of the proceeds of the taxes collected under the provisions of this act.

Sec. 53. Powers and duties. 1. The board shall have the power and authority to prescribe all rules and regulations not inconsistent with the provisions of this act, necessary and advisable for its detailed administration and to effectuate its purposes.

2. The board may, for administrative purposes, divide the state into districts, provided that in no case shall the county be divided in forming a district.

3. Any person violating any rule or regulation of the board shall be punished by a fine not to exceed one hundred dollars for each offense, or by imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment.

Sec. 54. Funds. All fees, taxes, interest, and penalties imposed under this act must be paid to the board in the form of remittances payable to

the treasurer of the state of Iowa, and said board shall transmit each payment daily to the state treasurer to be deposited in the state treasury to the credit of a special tax fund, which fund is hereby created.

Sec. 55. General powers. 1. The board, for the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of the taxable income and/or receipts of any taxpayer, shall have power: to examine or cause to be examined by any agent or representative designated by it, books, papers, records, or memoranda; to require by subpoena the attendance and testimony of witnesses; to issue and sign subpoenas; to administer oaths; to examine witnesses and receive evidence; to compel witnesses to produce for examination books, papers, records and documents relating to any matter which it shall have the authority to investigate or determine.

2. Where the board finds the taxpayer has made a fraudulent return, the costs of said hearing shall be taxed to the taxpayer. In all other cases the costs shall be paid by the state.

3. The fees and mileage to be paid witnesses and taxed as costs shall be the same as prescribed by law in proceedings in the district court of this state in civil cases. All costs shall be taxed in the manner provided by law in proceedings in civil cases. Where the costs are taxed to the taxpayer they shall be added to the taxes assessed against said taxpayer and shall be collected in the same manner. Costs taxed to the state shall be certified by the secretary of the board to the state comptroller who shall issue warrant on the state treasurer for the amount of said costs, to be paid out of the proceeds of the taxes collected under this act.

4. In case of disobedience to a subpoena the board may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and production of records, books, papers, and documents, and such court may issue an order requiring the person to appear before the board and give evidence or produce records, books, papers, and documents, as the case may be, and any failure to obey such order or court may be punished by the court as a contempt thereof.

5. Testimony on hearings before the board may be taken by a deposition as in civil cases, and any person may be compelled to appear and depose in the same manner as witnesses may be compelled to appear and testify as hereinbefore provided.

Sec. 56. Assistants—salaries—expenses—bonds. 1. The board may appoint and remove such agents, auditors, clerks, and employees as it may deem necessary, such persons to have such duties and powers as the board may, from time to time, prescribe.

2. The salaries of all agents and employees shall be fixed by the board subject to the approval of the executive council.

3. All such agents and employees shall be allowed such reasonable and necessary traveling and other expenses as may be incurred in the performance of their duties.

4. The board may require such of the officers, agents, and employees as it may designate to give bond for the faithful performance of the duties in such sum and with such sureties as it may determine and the state shall pay, out of the proceeds of the taxes collected under the provisions of this act, the premiums on such bonds.

5. The board may utilize the office of treasurer of the various counties in order to administer this act and effectuate its purposes, and may appoint the treasurers of the various counties its agents to collect any or all of the taxes imposed by this act, provided, however, that no additional compensation shall be paid to said treasurer by reason thereof.

Sec. 57. Information deemed confidential. 1. It shall be unlawful for the board, or any person having an administrative duty under this act, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; provided, however, that the board may authorize examination of such returns by other state officers, or, if a reciprocal arrangement exists, by tax officers of another state, or the federal government.

2. Any person violating the provisions of subsection one of this section shall be guilty of a misdemeanor and punishable by a fine not to exceed one thousand dollars (\$1000).

Sec. 58. Correction of errors. If it shall appear that, as a result of mistake, an amount of tax, penalty, or interest has been paid which was not due under the provisions of this act, then such amount shall be credited against any tax due, or to become due, under this act from the person who made the erroneous payment, or such amount shall be refunded to such person by the board.

Sec. 59. Wherever in any division of this act a refund is authorized, the board shall certify the amount of the refund and the name of the payee to the state comptroller. Upon his approval, the state comptroller shall draw his warrant on the special tax fund in the amount specified payable to the named payee, and the state treasurer shall pay the same.

Sec. 60. Statistics—publication of. The board shall prepare and publish annually statistics reasonably available, with respect to the operation of this act, including amounts collection, classification of taxpayers, and such other facts are deemed pertinent and valuable.

Division VI. Allocation of Revenues

Sec. 61. Generally. All revenues arising under the operation of this act and carried by the treasurer of state in the special tax fund shall be apportioned as follows:

1. Three per cent (3%) of said fund shall be transferred to the general fund of the state as the same is collected.

2. The balance of said fund shall be distributed from time to time upon order of the board in accordance with the provisions of this act, on warrants drawn by the comptroller upon direction of the board and made payable to the county treasurer of the several counties of the state.

Sec. 62. Ratio and manner of distribution. 1. The revenue distributable under paragraph two (2) of section sixty-one of this act shall be allocated each year to the several counties of the state in the same proportion that

the assessed valuation of the taxable real and tangible personal property in that county for the next preceding tax years bears to the assessed valuation of the total taxable real and tangible personal property in the state for the next preceding tax year.

2. On August 1, 1934, and annually thereafter, the board shall certify to the county treasurer of each county in the state, the total amount of the money which has been apportioned and/or is then apportionable to that county.

3. The county treasurer shall then apply the amount so apportioned to the relief of the several property taxpayers of that county by entering a credit against the second installment of the tax bill of each such taxpayer, being the tax bill of the preceding tax year, due and payable in the current year, the amount of such credit to be determined by the proportion which the assessed valuation of such taxpayer's taxable real and tangible personal property in that county for the next preceding tax year. The amount of money so credited shall be apportioned by the county treasurer to the various taxing districts of said county the same as though the amount thereof had been paid to the treasurer of said county by the taxpayers of said taxing district. In the event that such property taxpayer has paid both installments of the tax at the time the first installment was due and payable, the county treasurer shall at the same time that he enters the aforesaid credit, remit to such property taxpayer the amount of the credit which such taxpayer would be entitled to receive.

Sec. 63. For expenditure by the board in carrying out the provisions of this act, there is hereby appropriated from the general fund of the state, not otherwise appropriated, a sum of seventy-five thousand dollars (\$75,000.00) for the year 1934 and in addition thereto, for the year 1934 and thereafter, an amount equal to three per cent (3%) of the amount of taxes collected under this act; provided, however, that any balance of said amount equal to said three per cent remaining after the payment of administrative expense, shall be transferred back to the special tax fund.

Division VII. General Provisions.

Sec. 64. If any section, subsection, clause, sentence, or phrase of this act is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, clause, sentence, or phrase hereof, irrespective of whether any one or more of the sections, subsections, clauses, sentences, or phrases be declared unconstitutional.

Sec. 65. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 66. This act, being deemed of immediate importance, shall be in full force and effect after its passage and publication in the Osceola Sentinel, a newspaper published at Osceola, Iowa, and in the Rockford Register, a newspaper published at Rockford, Iowa.

Senator Beardsley moved that the amendment be read.

Senator Hicklin moved that the amendment be printed in the Journal.

Senator Beardsley moved as a substitute for the pending motion that the reading clerk read Division IV of the proposed substitute.

The motion prevailed.

Senator Moore moved that the amendment be printed in the Journal before its consideration.

The President held that the motion was not in order.

Reading of the division continued.

Senator Bennett appeared in the Senate chamber and the call was declared complete.

Action was temporarily deferred.

The journal of January 20th was corrected and approved.

RESIGNATION OF COMMITTEE CLERK

I hereby tender my resignation as committee clerk to Senator Bennett, effective January 22, 1934.

MARY LAMB.

The resignation was accepted.

REPORT OF COMMITTEE

Senator Harrington submitted the following report:

MR. PRESIDENT: Your committee on public utilities, to which was referred Senate File 215, a bill for an act to provide for the issuing of a permit to pipe line companies engaged in the business of owning, operating or controlling lines for the transportation or transmission of gas, gasoline, oils, or motor fuels and/or inflammable fluids within or through this state; providing an annual inspection fee therefor; providing for the regulation of the construction, location and inspection of pipe lines; providing for the right of eminent domain and regulating the use of such right; providing that the board of railroad commissioners shall have supervision over pipe lines, and providing for the fixing of property security and responsibility by pipe line companies for the protection of persons sustaining damage by them; fixing jurisdiction in the district court of the county where any controversy arises involving said pipe lines, and providing a method of service of notice of suit against pipe line companies; and providing for injunction and penalty for violation of same; and repealing chapter three hundred eighty-three-D one (383-D1), code, 1931, begs leave to report it has had the same under consideration and recommends the same do pass.

V. F. HARRINGTON, *Chairman.*

Ordered passed on file.

AMENDMENTS FILED

Amend House File 292, section forty-three (43), by striking from line four (4) the words: "five hundred thousand" and inserting in lieu thereof: "twenty-five thousand".

Further amend by adding after the word "dollars" in line four (4) the following: "; said amount to be refunded to the general fund of the state as soon as there is sufficient funds in the Liquor Control Act Fund,".

WM. H. KLEMME.

Amend the House amendments to section two (2) of Senate File 105 by striking from line six (6) of said amendments the words: "in any year".

CHAS. D. BOOTH.

Amend Senate File 233 by striking the period (.) following the word "deficit" in line seventeen (17) of section eight (8) and adding the following: "; provided, however, that no assessment for the payment of drainage bonds or improvement certificates shall be levied against any tract of land where the owner of said land is not delinquent in payment of any assessment."

W. R. RITCHIE.

Amend Senate File 272 as follows:

Strike section seven (7), renumber section six (6) as section seven (7), and insert as section six (6) the following:

"Sec. 6. Registration. Every taxpayer shall on or before the first day of July in each year register with the Board as a taxpayer under this act. Such registration may be made by letter, and shall give the name, place of residence, business, place or places of business and the kind or kinds of business of the taxpayer so registering. Such registration may be made by mail. A taxpayer who neglects or refuses to register as required by this act, shall be denied the privilege of engaging or continuing in business in this state. The taxpayer shall at the request of the Board also supply such other and further information as may be reasonably necessary for the purpose of obtaining a roster of taxpayers. The board shall have authority to require every assessor to furnish to the county auditor a list of taxpayers in his assessing district subject to tax under this law."

ROY E. STEVENS.

Amend Senate File 272 by inserting immediately following line twenty-nine (29) of section nineteen (19), the following:

"Sec. 20. Information deemed confidential. 1. It shall be unlawful for the board, or any person having an administrative duty under this act, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; provided, however, that the board may authorize examination of such returns by other state officers, or, if a reciprocal arrangement exists, by tax officers of another state, or the federal government.

2. Any person violating the provisions of subsection one of this section shall be guilty of a misdemeanor and punishable by a fine not to exceed one thousand dollars (\$1000)."

Further amend by renumbering the remaining sections.

D. MYRON TRIPP.

Amend Senate File 272 by inserting in line 195 of Section two (2), previous to the word "The", the following: "Sec. 3. Rules."

Further amend by striking from lines 196 and 197 of Section two (2) the following words: "of this section and".

Further amend by striking lines 204 to 212 inclusive of section (2), and inserting in lieu thereof the following:

"Consolidated returns. (1) All affiliated corporations, as hereinafter defined, may, under regulations to be prescribed by the board, be permitted to make a consolidated return for the taxable year in lieu of separate returns. The making of a consolidated return shall be upon the condition that all the corporations which have been members of the affiliated group at any time during the taxable year for which the return is made consent to all regulations of the board and the making of a consolidated return shall be considered as such consent.

"(2) As used in this section the words 'affiliated group' shall mean one or more corporations connected through stock ownership with a common parent corporation if (a) at least 95 per cent of the stock of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations; and (b) the common parent corporation owns directly at least 95 per cent of the stock of at least one of the other corporations. As used in this sub-section the term 'stock' does not include non-voting stock which is limited and preferred as to dividends.

"(3) In the case of a corporation which is a member of the affiliated group for a fractional part of the year the consolidated return shall include the income of such corporation for such part of the year as it is a member of the affiliated group.

"(4) The gross income of any corporation once included in computing the tax due hereunder shall not again be included as taxable gross income when distributed to affiliated corporations.

"(5) In case it shall appear to the board that any arrangement exists in such a manner as improperly to reflect the income earned from business properly attributable to the state, the board is authorized and empowered, in such manner and under such rules and regulations as it may determine, equitably to adjust the tax."

Further amend by renumbering the remaining sections.

E. R. HICKLIN.

Amend Senate File 272, Section 4, paragraph (j), by inserting in line thirty-three (33) thereof, before the word "engaging" the words, "Gross receipts derived from" and by changing the letter "E" in said word "engaging" from a capital to a small letter.

E. R. HICKLIN.

Amend Senate File 272 as amended and re-written in committee of the whole as follows:

Amend Section 2, sub-section (c), line 61, by striking out the words

and figures "one per cent (1%)", and inserting in lieu thereof the words and figures "two per cent (2%)".

Further amend line 63 thereof by striking out the words and figures "two per cent (2%)" and inserting in lieu thereof the words and figures "three per cent (3%)".

Further amend line 65 thereof by striking out the words and figures "three per cent (3%)" and inserting in lieu thereof the words and figures "four per cent (4%)".

Further amend line 67 thereof by striking out the words and figures "four per cent (4%)" and inserting in lieu thereof the words and figures "five per cent (5%)".

L. T. SHANGLE.

Amend Senate File 272 as amended and re-written in committee of the whole as follows:

Section 2, sub-section (b), line 46. Strike out the words and figures "one half of one per cent ($\frac{1}{2}\%$)", and insert in lieu thereof "one per cent (1%)".

Line 49 of said Sec. 2, sub-section (b). Strike the words and figures "one per cent (1%)", and insert in lieu thereof the words and figures "two per cent (2%)".

Further amend line 50 thereof by striking out the words and figures "two per cent (2%)" and inserting in lieu thereof the words and figures "three per cent (3%)".

Further amend line 52 thereof by striking out the words and figures "three per cent (3%)" and inserting in lieu thereof the words and figures "four per cent (4%)".

Further amend line 54 thereof by striking out the words and figures "four per cent (4%)" and inserting in lieu thereof the words and figures "five per cent (5%)".

Further amend sub-section (b) of Section 2 as follows: Strike out all of said sub-section after the semi-colon in line 54 and add thereto the following, "on all amounts in excess of \$5,000.00 up to and including \$6,000.00 by a rate of six per cent (6%); on all amounts in excess of \$6,000.00 up to and including \$7,000.00 by a rate of seven per cent (7%); on all amounts in excess of \$7,000.00 up to and including \$8,000.00 by a rate of eight per cent (8%); on all amounts in excess of \$8,000.00 by a rate of ten per cent (10%)".

L. T. SHANGLE.

Senator Elthon moved that the Senate adjourn until 10:00 a. m. Tuesday.

The motion prevailed and the Senate adjourned until 10:00 a. m. Tuesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 23, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Henry McCraven, pastor of the A. M. E. Church, of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring passage of old age pension bill, Senator Doze from citizens of Chariton. Judiciary No. 2.

Opposing tax on fraternal insurance, Senator Wilson from state manager of Woodmen's Circles of Iowa. Tax revision and reorganization.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, House File 264.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate House File 264.

INTRODUCTION OF BILLS

Senate File No. 276 by committee on military affairs, a bill for an act to revise and modernize the military laws of the State of Iowa, to define the military force of this state, to provide for their

organization, equipment, training, pay and regulation, to provide for the incorporation of companies and organizations therein, to prohibit the unauthorized wearing of the military uniform, to provide for the appointment and retirement of officers, to provide for the declaration of martial law and for the use of the military force of this state, to provide for military courts and define their duties, to provide for the issuance and protection of state and government property and funds, to provide for the appointment of the Adjutant General and other officers and boards, to provide for the control and improvement of the military reservation and rifle ranges, to make certain appropriations for the support of the military force, to repeal Chapter twenty-eight (28), Code, 1931, and Chapters seventeen (17) and eighteen (18) of the Acts of the Forty-Fifth General Assembly, relating to and constituting the military law of this state.

Read first and second times and referred to Committee on appropriations.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 146, a bill for an act giving the operator of a hospital in this State a lien upon all causes of action to a patient therein, or to the legal representatives of such patient and the reasonable charges.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 210, a bill for an act to authorize and direct the Governor of the State of Iowa to execute and deliver to Lloyd Martin and to Edith Martin, his wife, a patent to certain described real estate.

Also: That the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 264, a bill for an act relating to limitation of fee for the furnishing or procurement of employment by an employment agency and enacting a substitute therefor.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 304, a bill for an act relating to the levy to pay interest and principal on lawful bonded indebtedness.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 323, a bill for an act to legalize the corporate acts and

proceedings of the Hudson Co-Operative Dairy Association, of Hudson, Black Hawk County, Iowa.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 251, a bill for an act to legalize and validate certain warrants of Pocahontas County, Iowa.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 244, a bill for an act to legalize the proceedings relating to the issuing of bonds by the Independent School District of Corydon, in the county of Wayne, State of Iowa.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 241, a bill for an act to legalize and validate proceedings taken by the City Council of the City of Burlington, Iowa, authorizing and providing for the issuance of Public Building Bonds of said city and making provisions for the levy of taxes to pay said bonds.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 240, a bill for an act relating to public funds in any bank whose deposit liabilities have been assumed by another bank.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 234, a bill for an act to legalize and validate proceedings taken by the town council of the town of Lake View, Iowa, providing for the issuance of bonds and levy of taxes to pay for said bonds.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 132, a bill for an act to legalize the corporate acts and proceedings of Star Automobile Company, of Pella, Iowa.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 123, a bill for an act to legalize the corporate existence of the Modern Woodmen Commercial Club of Bryant Camp No. 4318, of Bryant, Iowa.

Also: That the House has concurred in Senate amendment to House amendment to the following bill in which the concurrence of the House was asked:

Senate File No. 85, a bill for an act relating to the Iowa Butter Trade-mark.

Also: That the House has failed to pass the following bill in which the concurrence of the House was asked:

Senate File No. 88, a bill for an act to make permanent the transfer of funds from the secondary road fund of Buchanan County to the poor fund of said county.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE MESSAGES CONSIDERED

House File 146, a bill for an act giving the operator of a hospital in this State a lien upon all causes of action for damages accruing

to a patient therein, or to the legal representatives of such patient, for the reasonable charges for hospital care necessitated by the injuries giving rise to such causes of action.

Read first and second times and referred to committee on public health.

House File 210, a bill for an act to authorize and direct the Governor of the State of Iowa to Execute and Deliver to Lloyd Martin and Edith M. Martin, his wife a patent to the following described Real Estate, to-wit: The Northwest one-quarter (NW $\frac{1}{4}$) of the Southeast one-quarter (SE $\frac{1}{4}$) of Section Eight (8), Township sixty-eight (68), Range Forty-two (42), West of the fifth P. M., situated in Fremont County, Iowa.

Read first and second times and referred to committee on judiciary No. 2.

House File 304, a bill for an act to amend section forty-four hundred three (4403), Code, 1931, relating to the levy to pay interest and principal on lawful bonded indebtedness.

Read first and second times and referred to committee on ways and means.

House File 323, a bill for an act to legalize the corporate acts and proceedings of the Hudson Co-Operative Dairy Association, of Hudson, Black Hawk County, Iowa, and to provide for the renewal and extension of the period of corporate existence and the adoption of renewal, amended and substituted articles of incorporation of said Hudson Co-Operative Dairy Association.

Read first and second times and referred to committee on judiciary No. 2.

SENATE FILE 101 WITHDRAWN

By unanimous consent on request of Senator Ritchie, Senate File 101 was withdrawn from further consideration.

COPIES SENATE FILE 243 AND HOUSE FILE 185 ORDERED

By unanimous consent, on request of Senator Knudson, 600 extra copies of Senate File 243 as amended were ordered printed.

By unanimous consent, on request of Senator Harrington, 600 extra copies of House File 185 were ordered printed.

CONSIDERATION OF SENATE FILE 272 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all Senators except Senator Aschenbrenner, Senator Fisch having been excused indefinitely on account of illness.

Senator Harrington moved that Senator Aschenbrenner be temporarily excused.

The motion prevailed.

Senator Hill continued his discussion of the amendment proposed by himself and Senator Calhoun as found in the Journal, on pages 732 to 758, inclusive.

Senator Aschenbrenner appeared in the Senate Chamber and the call was declared complete.

Senator Stevens of Wapello asked a decision from the chair as to whether or not a subject matter is killed if a substitution is made—if this amendment is substituted, whether or not the subject matter of Senate File 1 or Senate File 272 is killed.

The President ruled that, standing on parliamentary procedure, old established precedents, and the understanding under which the Senate and the committee of the whole have been working, he would be reluctant to rule that any subject matter was killed at any time until absolutely forced to, as there are several schools of thought trying to reconcile their views. A substitution would kill the subject matter of Senate File 272 so far as putting any matter contained therein back into Senate File 272; but if the substitution is lost it does not kill the subject matter of Senate File 1 as it is, first, only a matter of substitution. Furthermore, nothing would kill the subject matter as far as a new bill was concerned.

Senator Frailey moved the previous question, which motion prevailed.

Senator Stevens of Wapello asked the President to restate his ruling on the Senator's previous request.

The President stated as follows:

“The acceptance of this substitute amendment for all pending amendments to Senate File 272, does not preclude the consideration of the provisions of Senate File 272 in any other bill than Senate File 272.

“The rejection of Senator Hill’s and Senator Calhoun’s substitute does not preclude the consideration of the substitute provisions in connection with any other bill than Senate File 272.”

Senators Beatty and Hicklin demanded a roll call.

On the question, “Shall the substitution be made?” the vote was:

Ayes, 13.

Beardsley	Hill	Patterson	Stanley
Calhoun	Hush	Pendray	Stevens of
Doze	Knudson	Ritchie	Decatur
Elthon	McArthur		

Nays, 36.

Anderson	Frailey	Meyer	Schmidt
Aschenbrenner	Geske	Miller of	Shangle
Baldwin	Harrington	Buchanan	Stevens of
Beatty	Hicklin	Miller of Jones	Wapello
Bennett	Hopkins	Moore	Topping
Booth	Husted	Mullaney	Tripp
Byers	Irwin	Nelson	Valentine
Carden	Kimberly	Reese	Wenner
Chrystal	Klemme	Roelofs	Wilson
Coykendall	Leo		

Absent or not voting, 1.

Fisch

The substitution was lost.

Senator Shangle moved that the Senate recess until 1:30 p. m. today.

The motion prevailed.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel.

CONSIDERATION OF SENATE FILE 272 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all Senators except Senators Aschenbrenner, Fisch, Irwin and Patterson.

The absent Senators were excused temporarily, Senator Fisch having been excused indefinitely yesterday.

Senator Hill offered the following amendments and moved their adoption:

Amend by striking the word “non-professional” in line 103 of section 1 and inserting the word “nonprofessional”.

Further amend by striking the letter and word "i posed" in line 6 of section 2 and inserting the word "imposed".

Further amend by striking the word "sub-section" in line 133 of section 2 and inserting the word "subsection".

Further amend by striking the words "one half" in line 130 of section 2 and inserting the word "one-half".

Further amend by striking the words "live stock" in line 22 of section 3 and inserting the word "livestock".

The amendments were adopted.

Senator Tripp offered the following amendment and moved its adoption:

Amend by striking lines one (1) to twenty-one (21) inclusive of Section two (2), and inserting in lieu thereof the following:

"Sec. 2. Levy and Rates. From and after the taking effect of this act, there is hereby annually imposed upon each taxpayer, within the meaning of this act, located in or transacting business in the state of Iowa, a tax upon the privilege of such taxpayer to engage or continue in business, such tax being imposed at the rates and under the conditions hereinafter provided, in respect to all business done within this state by such taxpayer, at the rates specified hereinafter for each business or class of business in which such taxpayer engages. The taxes levied by this section shall be assessed, collected and paid at the following specified rates, to-wit:"

The amendment was adopted.

Senator Patterson appeared in the Senate chamber.

Senator Shangle offered the following amendment and moved its adoption:

Amend as follows:

Section 2, sub-section (b), line 46. Strike out the words and figures "one half of one per cent ($\frac{1}{2}\%$)", and insert in lieu thereof "one per cent (1%)".

Line 49 of said Sec. 2, sub-section (b). Strike the words and figures "one per cent (1%)", and insert in lieu thereof the words and figures "two per cent (2%)".

Further amend line 50 thereof by striking out the words and figures "two per cent (2%)" and inserting in lieu thereof the words and figures "three per cent (3%)".

Further amend line 52 thereof by striking out the words and figures "three per cent (3%)" and inserting in lieu thereof the words and figures "four per cent (4%)".

Further amend line 54 thereof by striking out the words and figures "four per cent (4%)" and inserting in lieu thereof the words and figures "five per cent (5%)".

Further amend sub-section (b) of Section 2 as follows: Strike out all of said sub-section after semi-colon in line 54 and add thereto the fol-

lowing, "on all amounts in excess of \$5,000.00 up to and including \$6,000.00 by a rate of six per cent (6%); on all amounts in excess of \$6,000.00 up to and including \$7,000.00 by a rate of seven per cent (7%); on all amounts in excess of \$7,000.00 up to and including \$8,000.00 by a rate of eight per cent (8%); on all amounts in excess of \$8,000.00 by a rate of ten per cent (10%).

Senator Aschenbrenner appeared in the Senate chamber.

Roll call was demanded.

Senator Valentine moved that Senator Irwin be excused from this roll call:

The motion prevailed.

On the question, "Shall the amendments be adopted?" the vote was:

Ayes, 25.

Anderson	Hill	McArthur	Ritchie
Aschenbrenner	Hopkins	Meyer	Schmidt
Chrystal	Hush	Miller of Jones	Shangle
Coykendall	Husted	Mullaney	Stanley
Doze	Klemme	Patterson	Stevens of
Elthon	Knudson	Pendray	Decatur
Geske	Leo		

Nays, 22.

Baldwin	Calhoun	Miller of	Stevens of
Beardsley	Carden	Buchanan	Wapello
Beatty	Frailey	Moore	Topping
Bennett	Harrington	Nelson	Valentine
Booth	Hicklin	Reese	Wenner
Byers	Kimberly	Roelofs	Wilson

Absent or not voting, 3.

Fisch	Irwin	Tripp
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The amendments were adopted.

Senator Shangle offered the following amendments and moved their adoption:

Amend Section 2, sub-section (c), line 61, by striking out the words and figures "one per cent (1%)", and inserting in lieu thereof the words and figures "two per cent (2%)".

Further amend line 63 thereof by striking out the words and figures "two per cent (2%)" and inserting in lieu thereof the words and figures "three per cent (3%)".

Further amend line 65 thereof by striking out the words and figures "three per cent (3%)" and inserting in lieu thereof the words and figures "four per cent (4%)".

Further amend line 67 thereof by striking out the words and figures

"four per cent (4%)" and inserting in lieu thereof the words and figures "five per cent (5%)".

Senator Irwin appeared in the Senate chamber and the call was declared complete.

Senator Moore moved to defer action.

The motion was lost.

Senator Harrington offered the following as a substitute for the pending amendment and moved its adoption:

Amend by striking the words and figures "one per cent (1%)" in line 61, subsection (c), and inserting in lieu thereof the words and figures "two per cent (2%)"; also by striking all after the word "amounts" down to the period in line 67.

Roll call was demanded on the substitution.

On the question, "Shall the substitution be made?" the vote was:

Ayes, 9.

Baldwin
Chrystal
Frailey

Geske
Harrington

Kimberly
Moore

Topping
Wilson

Nays, 34.

Anderson
Aschenbrenner
Beardsley
Beatty
Bennett
Booth
Calhoun
Carden
Coykendall
Doze

Elthon
Hicklin
Hill
Hopkins
Hush
Husted
Irwin
Klemme
Leo

Meyer
Miller of
Buchanan
Miller of Jones
Mullaney
Nelson
Patterson
Pendray
Reese

Ritchie
Shangle
Stanley
Stevens of
Decatur
Stevens of
Wapello
Tripp
Wenner

Absent or not voting, 7.

Byers
Fisch

Knudson
McArthur

Roelofs
Schmidt

Valentine

The substitution was lost.

Roll call was demanded on the pending Shangle amendment.

On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 12.

Aschenbrenner
Coykendall
Doze
Elthon

Hush
Miller of
Buchanan
Patterson

Pendray
Ritchie
Shangle

Stanley
Stevens of
Decatur

Nays, 35.

Anderson	Geske	Knudson	Roelofs
Baldwin	Harrington	Leo	Schmidt
Beardsley	Hicklin	McArthur	Stevens of
Bennett	Hill	Meyer	Wapello
Booth	Hopkins	Miller of Jones	Topping
Byers	Husted	Moore	Tripp
Calhoun	Irwin	Mullaney	Valentine
Carden	Kimberly	Nelson	Wenner
Frailey	Klemme	Reese	Wilson

Absent or not voting, 3.

Beatty	Chrystal	Fisch
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The amendment was lost.

Senator Shangle offered the following amendment and moved its adoption:

Amend as follows:

Strike out all of Section Five (5) and renumber remaining sections accordingly.

Roll call was demanded.

On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 10.

Anderson	Doze	Mullaney	Stevens of
Chrystal	Elthon	Ritchie	Decatur
Coykendall	Miller of Jones	Shangle	

Nays, 38.

Aschenbrenner	Geske	Leo	Roelofs
Baldwin	Harrington	McArthur	Schmidt
Beardsley	Hill	Meyer	Stanley
Beatty	Hopkins	Miller of	Stevens of
Bennett	Hush	Buchanan	Wapello
Booth	Husted	Moore	Topping
Byers	Irwin	Nelson	Tripp
Calhoun	Kimberly	Patterson	Valentine
Carden	Klemme	Pendray	Wenner
Frailey	Knudson	Reese	Wilson

Absent or not voting, 2.

Fisch	Hicklin
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The amendment was lost.

Senator Shangle offered the following amendments and moved their adoption:

Amend line 78 in sub-section (c) of Section 2 by striking out the words and figures "one-half of one per cent ($\frac{1}{2}$)" and inserting in lieu thereof the words and figures "one per cent (1%)".

Amend line 81 thereof by striking out the words "one per cent (1%)" and inserting in lieu thereof the words and figures "two per cent (2%)".

Amend line 82 thereof by striking out the words and figures "two per cent (2%)" and inserting in lieu thereof the words and figures "three per cent (3%)".

Amend line 84 thereof by striking out the words and figures "three per cent (3%)" and inserting in lieu thereof the words and figures "four per cent (4%)".

Amend line 86 thereof by striking out the words and figures "four per cent (4%)" and inserting in lieu thereof the words and figures "five per cent (5%)".

Further amend by striking out all of sub-section (c) of said Section 2 following the semi-colon in line 86 and adding thereto the following:

"on all amounts in excess of \$5,000.00 and up to and including \$6,000.00 by a rate of six per cent (6%). On all amounts in excess of \$6,000.00 and up to and including \$7,000.00 by a rate of seven per cent (7%); on all amounts in excess of \$7,000.00 and up to and including \$8,000.00 by a rate of eight per cent (8%); on all amounts in excess of \$8,000.00 by a rate of ten per cent (10%)".

Roll call was demanded.

On the question "Shall the amendments be adopted?" the vote was:

Ayes, 16.

Aschenbrenner	Hush	Miller of Jones	Shangle
Chrystal	McArthur	Mullaney	Stanley
Coykendall	Meyer	Pendray	Stevens of
Doze	Miller of	Ritchie	Decatur
Elthon	Buchanan		

Nays, 31.

Anderson	Carden	Kimberly	Schmidt
Baldwin	Frailey	Klemme	Stevens of
Beardsley	Geske	Leo	Wapello
Beatty	Harrington	Moore	Topping
Bennett	Hill	Nelson	Tripp
Booth	Hopkins	Patterson	Valentine
Byers	Husted	Reese	Wenner
Calhoun	Irwin	Roelofs	Wilson

Absent or not voting, 3.

Fisch	Hicklin	Knudson
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The amendments were lost.

Senator Harrington moved that the Senate adjourn until 10:00 a. m., Wednesday.

Senator Hush as a substitute moved to adjourn at 4:30 p. m., today to reconvene at 10:00 a. m., Wednesday.

Senator Wilson as a substitute for all pending motions, moved to adjourn until 9:45 a. m. Wednesday.

Senator Hush raised the point of order that since he had offered a substitute, Senator Wilson's motion was out of order.

The point of order was not ruled upon.

Senator Wilson moved to amend the Hush substitute by providing for adjournment until 9:45 a. m.

Roll call was demanded.

On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 17.

Anderson	Geske	Moore	Topping
Baldwin	Harrington	Mullaney	Valentine
Byers	Irwin	Roelofs	Wenner
Chrystal	Kimberly	Schmidt	Wilson
Frailey			

Nays, 30.

Beardsley	Hill	Meyer	Ritchie
Beatty	Hopkins	Miller of	Shangle
Bennett	Hush	Buchanan	Stanley
Booth	Husted	Miller of Jones	Stevens of
Calhoun	Klemme	Nelson	Decatur
Carden	Knudson	Patterson	Stevens of
Coykendall	Leo	Pendray	Wapello
Doze	McArthur	Reese	Tripp
Elthon			

Absent or not voting, 3.

Aschenbrenner	Fisch	Hicklin
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The amendment to the substitute was lost.

The substitution was made.

Senator Stevens of Wapello offered the following amendment and moved its adoption:

Amend as follows:

Strike section seven (7), renumber section six (6) as section seven (7), and insert as section six (6) the following:

"Sec. 6. Registration. Every taxpayer shall on or before the first day of July in each year register with the Board as a taxpayer under this act. Such registration may be made by letter, and shall give the name, place of residence, business, place or places of business and the kind or kinds of business of the taxpayer so registering. Such registration may be made by mail. A taxpayer who neglects or refuses to register as required by this act, shall be denied the privilege of engaging or continuing in business in this state. The taxpayer shall at the request of the Board also supply such other and further information as may be reasonably necessary for the purpose of obtaining a roster of taxpayers. The board

shall have authority to require every assessor to furnish to the county auditor a list of taxpayers in his assessing district subject to tax under this law."

By unanimous consent, on request of Senator Beardsley, the words "liable for a tax under this act" were inserted after the word "taxpayer" in line 4.

The amendment was adopted.

Senator Baldwin moved to adjourn until 10:00 a. m. tomorrow.

Senator Hush raised the point of order that his motion to adjourn at 4:30 p. m. this afternoon was adopted and the Baldwin motion was out of order.

Senator Harrington raised the point of order that Senator Wilson's amendment to the motion to adjourn had lost but the pending motion had never been put to a vote.

The President held that since the substitution had been made he would hold that it was the desire of the Senate to set 4:30 as the time for adjournment, even though the motion as substituted had not been put to a vote.

Senator Tripp offered the following amendment and moved its adoption:

Amend by inserting immediately following line twenty-nine (29) of section nineteen (19), the following:

"Sec. 20. Information deemed confidential. 1. It shall be unlawful for the board, or any person having an administrative duty under this act, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; provided, however, that the board may authorize examination of such returns by other state officers, or, if a reciprocal arrangement exists, by tax officers of another state, or the federal government.

2. Any person violating the provisions of subsection one of this section shall be guilty of a misdemeanor and punishable by a fine not to exceed one thousand dollars (\$1,000)."

Further amend by renumbering the remaining sections.

Senator Knudson was called to the chair at 3:37 p. m.

The amendment was adopted.

Senator Wenner offered the following amendments and moved their adoption:

Amend Section twenty (20), by striking lines twenty-six (26), twenty-seven (27), twenty-eight (28), and twenty-nine (29).

Amend by striking therefrom Sections twenty-one (21) and twenty-two (22), and by inserting in lieu thereof the following:

"Sec. 21. Out of all revenue arising under the operation of this act and carried by the treasurer of state in the special tax fund, there shall be paid the following items of state, county, and public school expense:

(a) All items of general expense of the state government authorized and appropriated for by the General Assembly.

(b) Salaries of all county officers where the annual salary and employment is fixed by statute.

(c) All other county expenditures or appropriations required by law where the amount and condition precedent to payment does not lie within the discretion of the Board of Supervisors.

(d) To the public school system of the State all additional revenue arising under the operation of this act.

The State Board shall apportion to the several school corporations of the state the funds above provided for in the proportion that the total number of youths subject to enumeration in such school corporations as shown by the last preceding school census bears to the total number of such youths in the state as shown by such last preceding school census."

Amend by re-numbering the remaining sections.

Senator Wenner asked that action be deferred until tomorrow.

Objection was raised.

Senator Wilson moved that action be deferred until tomorrow.

The motion prevailed.

Senator Hicklin offered the following amendments and moved their adoption:

Amend by inserting in line 195 of Section two (2), previous to the word "The", the following: "Sec. 3. Rules."

Further amend by striking from lines 196 and 197 of Section two (2) the following words: "of this section and".

Further amend by striking lines 204 to 212 inclusive of section (2), and inserting in lieu thereof the following:

"Consolidated returns. (1) All affiliated corporations, as hereinafter defined, may, under regulations to be prescribed by the board, be permitted to make a consolidated return for the taxable year in lieu of separate returns. The making of a consolidated return shall be upon the condition that all the corporations which have been members of the affiliated group at any time during the taxable year for which the return is made consent to all regulations of the board and the making of a consolidated return shall be considered as such consent.

"(2) As used in this section the words 'affiliated group' shall mean one or more corporations connected through stock ownership with a common parent corporation if (a) at least 95 per cent of the stock of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations; and (b) the common parent corporation owns directly at least 95 per cent of the stock of at least one of the other corporations. As used in this sub-section the term 'stock' does not include non-voting stock which is limited and preferred as to dividends.

"(3) In the case of a corporation which is a member of the affiliated group for a fractional part of the year the consolidated return shall include the income of such corporation for such part of the year as it is a member of the affiliated group.

"(4) The gross income of any corporation once included in computing the tax due hereunder shall not again be included as taxable gross income when distributed to affiliated corporations.

"(5) In case it shall appear to the board that any arrangement exists in such a manner as improperly to reflect the income earned from business properly attributable to the state, the board is authorized and empowered, in such manner and under such rules and regulations as it may determine, equitably to adjust the tax."

Further amend by renumbering the remaining sections.

President N. G. Kraschel returned to the chair at 3:55 p. m.

Senator Stevens of Wapello moved to defer action temporarily.

The motion prevailed.

Senator Frailey moved that the call be raised.

Senator Booth as a substitute moved that Senators Frailey and Kimberly be excused from the call.

Senator Calhoun moved that the Senate recess until 4:30 p. m. today.

The President recognized Senator Frailey's motion, inasmuch as it was necessary for several Senators to be absent at 4:00 p. m.

The motion to raise the call prevailed.

Senator Hicklin offered the following amendment and moved its adoption:

Amend section three (3), sub-section "b", by inserting before the word "cemetery", the words "hospitals and hospital associations or corporations,".

By unanimous consent, on request of Senator Hicklin the words "associations" and "corporations" were transposed.

The amendment was adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend section 4, paragraph (j), by inserting in line thirty-three (33) thereof, before the word "engaging" the words, "Gross receipts derived from" and by changing the letter "E" in said word "engaging" from a capital to a small letter.

The amendment was adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend by adding in section ten (10), line three (3), following the word "shall" and preceding the word "correct", the following: "within two years after the time when the annual rate required in sub-section "a" of Section eight (8) was due."

Senator Beatty offered the following amendment to the amendment and moved its adoption:

Amend by striking the following: "rate required in sub-section "a" of Section eight (8)" and inserting in lieu thereof the word "tax".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend section ten (10), by striking all of said section after the word "taxpayer" in line ten (10), and substituting in lieu thereof the following: "with interest at six per cent per annum from the date the tax is paid to the date of refund."

Senator Valentine offered the following amendment to the amendment and moved its adoption:

Amend by inserting in line 3 after the word "from" the words "sixty (60) days from".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Beatty offered the following amendment and moved its adoption:

Amend by striking section 25 and renumbering the remaining sections. The amendment was adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, House Files 160 and 179.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate House Files 160 and 179.

The Journal of January 22d was corrected and approved.

CALL OF THE SENATE

We, the undersigned, request and demand a call of the Senate on the consideration of Senate File 272, and all matters pertaining thereto, beginning Wednesday morning, January 24, 1934, at 10 A. M.

ROY E. STEVENS.

FRANK C. BYERS.

OLIVER P. BENNETT.

LAFE HILL.

JOHN N. CALHOUN.

WILLIAM CARDEN.

EDW. J. WENNER.

JOHN K. VALENTINE.

D. MYRON TRIPP.

G. E. ROELOFS.

H. D. MILLER.

CHAS. D. BOOTH.

CLAUDE STANLEY.

LEO ELTHON.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which the Shangle amendment to subsection (b) of Section 2 of Senate File 272, as found on page 762 of the Senate journal, was adopted.

ORA E. HUSTED.

AMENDMENTS FILED

Amend Senate File 272, sub-section (c) of Section 2, by striking all after the period (.) in line 67 to 73 inclusive.

LEO ELTHON.

Amend Senate File 272 by striking all of section nineteen (19) and inserting in lieu thereof the following, as section nineteen (19):

"Sec. 19. False Return—Penalty. It shall be unlawful for any person to willfully refuse to make the return provided for in sections eight (8) and seventeen (17) of this act; or to knowingly make any false or fraudulent return or false statement in any return, with intent to defraud the state or to evade the payment of the tax, or any part thereof, or for any

person, knowingly with intent to defraud, to aid or abet another in any attempt to evade the payment of the tax, or any part thereof, or for the president, vice-president, secretary or treasurer, office or agent, of any company or association to knowingly make or permit to be made for any company or association any false return, or any false statement in any return required in this act, with intent to evade the payment of any tax, imposed by this act. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be subject to a fine of not more than \$1,000.00, or imprisoned not exceeding one year in the county jail or punished by both fine and imprisonment, at the discretion of the court. Any corporation violating any of the provisions of this section shall be subject to a fine not to exceed \$1,000.00.

ORA E. HUSTED.

Amend Senate File 272, in Section 2, by inserting after the word "corporation," in line 134 the following: "municipal corporation,".

FRED W. NELSON.

Amend Senate File 272 by inserting after the word "Administration" in line 1 of section 20 the following:

"It shall be the duty of the Board to collect the taxes levied and imposed by this act."

FRED W. NELSON.

Amend Senate File 272 by striking all of Section 18, and inserting in lieu thereof the following:

"Sec. 18. The taxes imposed by this act shall be paid to the county treasurer of the county of which the tax payer is a resident. If the tax payer be a non resident, the taxes shall be paid to the county treasurer of the county in which the tax payer engages in business, provided, however, if the tax payer be a non resident and engages in business in more than one county, then the taxes shall be paid to the State Treasurer.

The treasurer, or State Treasurer receiving such tax shall issue his receipt therefor to the tax payer and shall keep all such moneys received by him in a special fund to be known as "State Tax Fund", to be distributed quarterly upon order of the Board as provided by this act."

FRED W. NELSON.

Amend Senate File 272 by striking from section 21 the first four lines thereof and inserting in lieu thereof the following: "The State Tax Fund provided by this act shall be apportioned as follows:"

Further amend said Section 21 by striking subsection (a) and inserting in lieu thereof the following:

"(a) Three per cent (3%) of said fund shall be transferred to the general fund of the state as the same is collected. Out of the amount so transferred to the general fund, appropriations shall be made to the Board for the expense of administering this act. Any unused portion of the three per cent (3%) of said fund transferred to the general fund of the state shall be transferred back to the "State Tax Fund"."

FRED W. NELSON.

On motion of Senator Wilson, the Senate adjourned until 10:00 a. m. Wednesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 24, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. W. A. Sessions, pastor of the Christian Church of Corydon.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring tax on chain stores. Senator Wenner from business men of Wellsburg, Grundy Center and Reinbeck. Cities and towns.

Opposing state-owned liquor stores, and favoring tax-paying private stores. Senator Harrington from voters of Sioux City. Liquor control.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the following Concurrent Resolution, in which the concurrence of the Senate is asked:

House Concurrent Resolution No. 11, memorializing the President and Congress regarding importation of all foreign oils which come in competition with cottonseed oil, hog fat, corn oil, butterfat, beef fat, or any other domestic fats.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE CONCURRENT RESOLUTION NO. 11

Memorializing the President and Congress of the United States in regard to importation of all foreign oils which come in competition with cottonseed oil, hog fat, corn oil, butterfat, beef fat, or any other domestic fats.

Whereas, The United States Government, through the Agricultural Adjustment Act, is endeavoring to control and limit the production of cotton, hogs, corn, peanuts and dairy products and to raise farm prices for such products through the production control program; and

Whereas, There has been imported into this country annually, for the last five years, an average of over 1,400,000,000 pounds of foreign vegetable oil such as cocoanut and palm oil, largely from the Phillipine Islands, all duty free, and, since this oil is produced by labor which receives only a few cents per day wages, and such oil can be shipped into this country at prices which have definitely proven to be ruinous to our own cotton, hog, dairy, corn and other agricultural interests, now, therefore,

Be it Resolved by the House, the Senate concurring, That we would urge our Secretary of Agriculture Wallace, through powers conferred upon him by the Agricultural Adjustment Act, place a tax on all foreign oils which come in competition with cottonseed oil, hog fat, corn oil, butterfat, beef fat, or any other domestic fats; such tax to be high enough to place agricultural prices on a fair parity with industrial prices in the near future.

Be It Further Resolved; That the chief clerk of the House be instructed to forward a copy of this resolution to the president of the United States, the Secretary of Agriculture, the Iowa members of Congress, and to our own state farm organizations.

CONSIDERATION OF SENATE FILE 272 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all Senators except Senators Fisch and Schmidt.

Senator Fisch had previously been excused indefinitely.

Senator Hush moved that Senator Schmidt be excused for the forenoon on account of illness in the family.

The motion prevailed and the call was declared complete.

Senator Harrington moved that the Senate recess until the fall of the gavel.

The motion prevailed.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled Senate Files 241, 132, 123, 251, 240, 244 and 234.

HOMER HUSH, *Chairman Senate Committee.*
WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate Files 241, 132, 123, 240, 251, 244 and 234.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 24th day of January, 1934, sent to the governor for his approval, Senate Files 241, 132, 123, 251, 240, 244 and 234.

HOMER HUSH, *Chairman.*

Passed on file.

The Senate reconvened at the fall of the gavel.

Roll call revealed the presence of all Senators except Senators Baldwin, Coykendall, Harrington, and Patterson.

Senator Husted moved to excuse the absent Senators until a vote was required.

The motion prevailed.

On motion of Senator Shangle the Senate recessed until 1:15 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel, President N. G. Kraschel presiding.

CONSIDERATION OF SENATE FILE 272 RESUMED

Roll call revealed the presence of all members of the Senate except Senators Byers, Frailey and Harrington.

The absent Senators were excused temporarily, until a vote.

Senator Hicklin called up for consideration his amendments to section 2 as found on page 776 of the Senate journal and moved their adoption.

Senator Calhoun offered the following amendment to the Hicklin amendments and moved its adoption:

Amend by striking from the third amendment the following sentence:

"The making of a consolidated return shall be upon the condition that all the corporations which have been members of the affiliated groups at any time during the taxable year for which the return is made consent to all regulations of the board and the making of a consolidated return shall be considered as such consent."

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Elthon offered the following amendment and moved its adoption:

Amend sub-section (c) of Section 2, by striking all after the period (.) in line 67 to 73 inclusive.

Senators Byers, Frailey and Harrington appeared in the Senate chamber and the call was declared complete.

Senator Nelson offered the following amendment as a substitute for the pending amendment and moved its adoption:

Amend subsection (c) of section 2 by striking from line 68 the word "section" and inserting in lieu thereof the word "subsection".

Senator Elthon asked unanimous consent to withdraw his amendment.

Objection was raised.

The substitution was made.

The amendment as substituted was adopted.

Senator Husted offered the following amendment and moved its adoption:

Amend by striking all of section nineteen (19) and inserting in lieu thereof the following, as section nineteen (19):

"Sec. 19. False Return—Penalty. It shall be unlawful for any person to willfully refuse to make the return provided for in sections eight (8) and seventeen (17) of this act; or to knowingly make any false or fraudulent return or false statement in any return, with intent to defraud the state or to evade the payment of the tax, or any part thereof, or for any person, knowingly with intent to defraud, to aid or abet another in any attempt to evade the payment of the tax, or any part thereof, or for the president, vice-president, secretary or treasurer, office or agent, of any company or association to knowingly make or permit to be made for any company or association any false return, or any false statement in any return required in this act, with intent to evade the payment of any tax, imposed by this act. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall

be subject to a fine of not more than \$1,000.00, or imprisoned not exceeding one year in the county jail or punished by both fine and imprisonment, at the discretion of the court. Any corporation violating any of the provisions of this section shall be subject to a fine not to exceed \$1,000.00.

Senator Schmidt appeared in the Senate chamber.

By unanimous consent on request of Senator Husted the word "office" was stricken from line 10 and the word "officer" was inserted in lieu thereof.

By unanimous consent, on request of Senator Beatty, the word "such" was inserted before the word "fine" in line 17.

The amendment as amended was adopted.

Senator Nelson offered the following amendment and moved its adoption:

Amend section 2 by inserting after the word "corporation," in line 134 the following: "municipal corporation,".

The amendment was adopted.

Senator Nelson offered the following amendment and moved its adoption:

Amend by inserting after the word "Administration" in line 1 of section 20 the following:

"It shall be the duty of the Board to collect the taxes levied and imposed by this act."

By unanimous consent, on request of Senator Nelson the words "where it first appears" were inserted after the word "Administration".

The amendment as amended was adopted.

Senator Nelson offered the following amendment and moved its adoption:

Amend by striking all of Section 18, and inserting in lieu thereof the following:

"Sec. 18. The taxes imposed by this act shall be paid to the county treasurer of the county of which the tax payer is a resident. If the tax payer be a non resident, the taxes shall be paid to the county treasurer of the county in which the tax payer engages in business, provided, however, if the tax payer be a non resident and engages in business in more than one county, then the taxes shall be paid to the State Treasurer.

"The treasurer, or State Treasurer receiving such tax shall issue his receipt therefor to the tax payer and shall keep all such moneys received by him in a special fund to be known as "State Tax Fund", to be distributed quarterly upon order of the Board as provided by this act."

By unanimous consent, on request of Senator Nelson, the words "State Treasurer" as they appear were stricken and the words "Treasurer of State" were inserted in lieu thereof.

President pro tempore Irwin was called to the chair at 2:06 p. m.

The amendment as amended was adopted.

Senators Beatty and Wenner offered the following amendment and moved its adoption:

Amend Section six (6), as amended, by inserting after the word "act", where it first appears in said section, the words: "and whose gross income during the preceding year was not in excess of three hundred dollars (\$300.00)".

Senator Tripp as a substitute for the pending amendment, offered the following amendment and moved its adoption:

Amend by striking section 6.

The substitution was made.

The substitute amendment was adopted.

Senator Stanley offered the following amendment and moved its adoption:

Amend section 22 by striking from line 2, subsection (a), the words and figure "paragraph two (2)" and inserting in lieu thereof the word and letter "subsection (b)".

The amendment was adopted.

Senator Elthon offered the following amendment and moved its adoption:

Amend section 2, subsection (c), by inserting in line 74 before the word "For" the letter "(d)" and by relettering the remaining subsections.

The amendment was adopted.

Senator Harrington offered the following amendment and moved its adoption:

Amend section 2, subsection (c), by inserting in line 58 after the word "fees," the word "or".

The amendment was adopted.

Senator Harrington offered the following amendment and moved its adoption:

Amend Section 2, subsection (c), by inserting after the word "commissions" in line 58 the following: "—except the business of lending money on real estate as financial correspondent, agent, or broker for foreign corporations, firms, individuals, or partnerships, in which case the tax levied and imposed by this act shall be equal to the gross income received from such business multiplied by a rate of two and one-half per cent ($2\frac{1}{2}\%$)—".

VINCENT F. HARRINGTON.

The amendment was adopted.

Senator Beardsley moved that the Senate enter into an informal discussion of the allocation clause feature, not pertaining particularly to any one bill.

Senator Moore, as a substitute, moved that the Senate resolve itself into a committee of the whole for the purpose of discussing the allocation clause.

Senator Klemme asked for a division of the vote.

The substitution was lost.

The motion was adopted.

Senator Frailey moved that the call of the Senate be raised.

Division of the vote was demanded.

The motion was lost.

Senator Hill moved that no record vote be taken in the informal discussion.

Senator Stanley raised the point of order that the Beardsley motion did not include a vote and the Hill motion was out of order.

The President held the point of order well taken.

Senator Beardsley moved that the Senate resume regular consideration of the pending amendment. The motion prevailed.

Senator Wenner called up for consideration his amendments to sections 21 and 22, upon which action was deferred as shown on page 776 of the Senate journal and moved their adoption.

Amend by striking therefrom Sections twenty-one (21) and twenty-two (22), and by inserting in lieu thereof the following:

"Sec. 21. Out of all revenue arising under the operation of this act and carried by the treasurer of state in the special tax fund, there shall be paid the following items of state, county, and public school expense:

(a) All items of general expense of the state government authorized and appropriated for by the General Assembly.

(b) Salaries of all county officers where the annual salary and employment is fixed by statute.

(c) All other county expenditures or appropriations required by law where the amount and condition precedent to payment does not lie within the discretion of the Board of Supervisors.

(d) To the public school system of the State all additional revenue arising under the operation of this act.

The State Board shall apportion to the several school corporations of the state the funds above provided for in the proportion that the total number of youths subject to enumeration in such school corporations as shown by the last preceding school census bears to the total number of such youths in the state as shown by such last preceding school census."

Amend by re-numbering the remaining sections.

President N. G. Kraschel returned to the chair at 3:30 p. m.

Roll call was demanded on the amendment.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 17.

Anderson	Frailey	Kimberly	Stevens of
Aschenbrenner	Geske	Meyer	Wapello
Baldwin	Harrington	Moore	Topping
Byers	Hicklin	Schmidt	Wenner
Carden			Wilson

Nays, 30.

Beardsley	Elthon	McArthur	Reese
Beatty	Hill	Miller of	Ritchie
Bennett	Hopkins	Buchanan	Roelofs
Booth	Hush	Miller of Jones	Shangle
Calhoun	Husted	Mullaney	Stanley
Chrystal	Klemme	Nelson	Stevens of
Coykendall	Knudson	Patterson	Decatur
Doze	Leo	Pendray	Tripp

Absent or not voting, 3.

Fisch	Irwin	Valentine
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The amendment was lost.

Senator Nelson offered the following amendments and moved their adoption:

Amend by striking from section 21 the first four lines thereof and inserting in lieu thereof the following: "The State Tax Fund provided by this act shall be apportioned as follows:"

Further amend said Section 21 by striking subsection (a) and inserting in lieu thereof the following:

"(a) Three per cent (3%) of said fund shall be transferred to the general fund of the state as the same is collected. Out of the amount so

transferred to the general fund, appropriations shall be made to the Board for the expense of administering this act. Any unused portion of the three per cent (3%) of said fund transferred to the general fund of the state shall be transferred back to the 'State Tax Fund'."

By unanimous consent, on request of Senator Nelson the words "at the end of the year" were added to the end of the amendment.

The amendment was adopted.

Senator Wenner called up for consideration the following amendment upon which action was deferred as shown on page 776 of the Senate journal, and moved its adoption:

Amend section twenty (20), by striking lines twenty-six (26), twenty-seven (27), twenty-eight (28), and twenty-nine (29).

The amendment was adopted.

Senator Husted called up for consideration the following motion to reconsider, as found on page 779 of the Senate journal, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which the Shangle amendment to subsection (b) of Section 2 of Senate File 272, as found on page 762 of the Senate Journal, was adopted.

Senator Shangle moved to table the motion.

Senator Hicklin raised the point of order that the motion to table would carry with it the whole bill.

The President held the point of order well taken.

Senator Shangle raised the point of order that the motion to reconsider on an interlocutory matter was not in order.

The President held that Senator Husted's motion was in order.

Senator Shangle withdrew his motion, by unanimous consent.

Senator Shangle raised the point of order that it was never proper to reconsider anything except final action on a motion or bill and as this was just an interlocutory matter, no such motion to reconsider was in order.

The President held the point of order not well taken.

Senator Patterson moved the previous question on the motion to reconsider.

Senator Harrington moved to adjourn until 10:00 a. m. Thursday.

The motion was withheld for some routine work.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 270, a bill for an act to make an appropriation to the State Board of Education from the primary road fund for the purpose of defraying a portion of the expense attending the construction of a viaduct.

VIRGIL LEKIN, *Chief Clerk.*

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which the amendment offered by the Senator from Floyd and the Senator from Van Buren to Senate File 272 failed of substitution, said amendment appearing in the Journal of January 22, 1934.

GEO. A. WILSON.

By unanimous consent on request of Senator Patterson, permission was given him to have printed in the Journal the following statement:

BRIEF STATEMENT OF IOWA RELIEF SITUATION

Furnished the Forty-fifth General Assembly, Extra Session, by the Special Committee appointed to make recommendations as to appropriations for Emergency Relief, and means of raising such funds necessary therefor.

January 19, 1934.

HON. JOHN MITCHELL, Chairman of Joint Committee,
State House, Des Moines, Iowa.

DEAR SIR:

On January 15th, the Governor of the State of Iowa made the first application for "Federal Emergency Relief" funds. Since that time to January 1st, Iowa has received and used for unemployment relief from the Federal Government \$4,199,813.00. In addition to the Federal Funds, Counties of the State of Iowa, appropriated and used for unemployment relief, \$3,867,000.00 making a total for unemployment relief in the State of Iowa for the year 1933, \$8,067,513. This amount does not include what the County spent for the regular pauper fund, which as near as we can estimate, was \$2,250,000.00, making a total of \$10,317,513.00 spent in Iowa for relief, outside of "Community Chest" and other private charities.

From January 15 to June 1, 1933, the Federal Funds received by Iowa came through the "Reconstruction Finance Corporation", and from June 1st, they were received from the "Federal Emergency Relief Administra-

tion". The grant from the "Federal Emergency Relief Administration" was made on the basis of \$1.00 of Federal Funds, for every \$3.00 expended by the State. It will be readily seen that we have not as a State complied with this arrangement. This was called to our attention on August 14, by Mr. Harry L. Hopkins, Federal Administrator of Emergency Relief Funds, and since that date we have been cautioned many times that if Iowa did not make an appropriation to meet the Federal grant, on the basis of one to three, that it would be necessary for the "Federal Emergency Relief Administration" to discontinue their aid and assistance.

To illustrate the Federal Governments position; in July, August, and September of 1933 we spent in Iowa, for unemployment relief, \$1,602,000.00, of which \$913,000.00 was Federal Funds. We were allowed to use in our total expenditures the Federal amount, and were granted for the months October, November, and December \$534,000.00 or $\frac{1}{3}$ of the total \$1,602,000.00. This will explain that the Federal grant really amounts to more than one to three.

As to Iowa relief needs, we reached the peak load of families in April, 1933, when we had 59,996 families actually receiving Federal Relief. This load decreased, until in October, during the "corn husking" season, the number of families was 32,204. This number was decreased further as a result of C. W. A. activities in December, but in January is showing a material increase again. Estimates for February, now being received, although not complete, indicate a further increase. This must be construed as very alarming, in view of the fact that there are today 68,000 men and women actually working in the State of Iowa, on C. W. A. The only explanation for this condition, is that during the period that the State Relief Committee was administering relief, in the form of groceries and fuel, a great many unemployed and destitute people, refused to make application for aid, and continued to use every resource at their command, for credit and help.

The C. W. A. program, is at present, limited to February 15, 1934. If this actually is discontinued at that date, without doubt, a very large percentage of the C. W. A. workers will be back on Relief. If the C. W. A. work is extended until the "Public Works Program" comes into operation, it will make a very great difference in the requirements for Relief in Iowa, in the year 1934. On account of this uncertainty, it is absolutely impossible to say, with any degree of accuracy, what the Relief needs of the unemployment of Iowa will be.

Prior to C. W. A. and considering the benefits of P. W. A. it was the opinion of those that worked in Relief matters, that Iowa would need at lets \$7,000,000.00 for the relief of unemployment in 1934. Giving full credit to C. W. A. and P. W. A. it is well supposed that at least \$3,000,000.00 will be required. At the present time, we have less than \$60,000.00 of Federal Relief Funds on hand. We have made application to the "Federal Emergency Relief Committee" for funds for January, February, and March, but have been advised that unless the Congress of the United States makes a further appropriation of relief, funds, as well as C. W. A. funds, will be entirely exhausted by February 15th, and that the

allowance of additional funds to the State of Iowa, for the month of January and to February 15th, are contingent upon whether Iowa makes a Relief appropriation for unemployment Relief, and in our opinion, Federal Authorities are quite fixed in their mind, that Iowa is as well equipped to carry part of the Relief load as many of these other States, and that they are going to insist before further grants are made to Iowa, upon this actually being done.

Yours very truly,

E. H. MULOCK, *Administrator Civil Works Administration.*

January 23, 1934.

HONORABLE JOHN H. MITCHELL, Chairman, Legislative Committee on
Emergency Relief, Building.

Dear Sir:

Your committee has requested of this department an opinion as to legal ways and means to raise three million dollars to be expended by the state or the counties for emergency relief purposes.

The difficulty with the present situation is that the money must be raised at the earliest possible date in order to meet the requirements of the Federal government if it is to put up further funds for relief within this state.

The Constitution places certain limitations upon indebtedness, Section 3 of Article 11, placing a limitation upon indebtedness which counties may incur and Article 7 placing limitations upon indebtedness to be incurred by the state. We are advised that more than thirty counties of the state are indebted to their full constitutional limit which means they cannot incur further legal indebtedness. There is no constitutional limit on taxation and the question arises whether the legislature now in session may impose a mandatory levy upon the several counties to take care of the present emergency situation or whether the money should be raised by the state.

If a mandatory levy of one or two mills were imposed upon the ninety-one counties some probably would not make the levy and in other cases it is likely the financing would not be properly handled. That is, the anticipatory warrants would for various reasons be of doubtful and slow marketability so that relief in some cases would not be supplied when needed. If prompt and effective financing is necessary, as seems to be the case, the question of raising the money by the several counties pursuant to either old or prospective legislation would seem to be out. As a general legal proposition one legislature cannot bind its successors and if a state levy were to be made by the legislature of one or more mills, it would not be effective as security for anticipatory warrants or other evidence of indebtedness unless the money were to be raised prior to the end of the present biennium which is June 30, 1935.

Any bill that is prepared to raise the proposed three million dollars, or such lesser amount as may be required, for relief purposes should provide the specific purpose for which the levy is made, the amount thereof and that it should be raised so that the warrants might be taken up before

the end of the biennium. We are advised that there are no funds in the state treasury now with which to meet the situation and no levies which will raise adequate funds within the next year or two. If there were funds in the treasury it would be a simpler matter to draw an appropriation bill. The legislature is confronted, however, with the necessity of devising ways and means to raise the money and to do so before any new tax can be collected. This means that marketable warrants or other evidences of debt must be issued and the purchaser of such warrants must know that the money will eventually come to take up the warrants according to their terms.

Section 2 of Article 7 of our Constitution provides that "the State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for in the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the general assembly or at different periods of time, shall never exceed the sum of two hundred fifty thousand dollars." Section 5 of the same Article provides that certain additional indebtedness may be created if the people of the state vote favorably upon the proposition to create such indebtedness. As we understand it, it is desired in the instant case to raise the funds without the extraordinary expense of such election and at a date much earlier than that on which such election could be held in order to avail the state of additional federal aid which will, as we are informed, be withheld if the state does not make the appropriations herein referred to.

Where it is definitely certain that money will come into the state treasury within the biennium, the legislature may make appropriations against it which are not regarded by our courts as state debts. We believe warrants issued in anticipation of a levy made now to be collected before June 30, 1935, would be marketable. It has been suggested that an additional one cent tax on gasoline would raise the required amount. We think there is no legal impediment to such additional tax levied for this specific purpose and pledged to the payment of warrants which might be issued in anticipation thereof, payment to be made within the year. It has been suggested that other sales taxes might be enacted to take care of the emergency. The legislature may have in mind other means of raising this money.

It is not our purpose to suggest to the legislature how the money should be raised other than to call its attention to certain limitations and difficulties which will be encountered and which must be avoided. We shall be glad to have any proposed measures submitted to us for our opinion as to their legality if any questions are raised in regard thereto.

We have prepared and will be glad to submit to you a rather extensive brief covering the legal questions involved in the raising of such emergency funds.

Warrants or bonds which may be issued will have to be disposed of on the open market. Appreciating this situation, we have talked with representatives of Carlton D. Beh Company and the White-Phillips Company of Davenport who handle such securities and have also talked by long distance telephone with Chapman & Cutler, Attorneys, in Chicago,

whose approving opinion will, no doubt, be required by any purchaser of such warrants as may be issued. In view of the fact that buyers of bonds and warrants as a rule require the opinion of Chapman & Cutler, it would seem advisable to submit any proposed bills to that firm for approval before the final form and details are finally voted on.

Very truly yours,

HG:AL

HARRY GARRETT, *Assistant Attorney General.*

The Journal of January 23d was corrected and approved.

Senator Harrington's previous motion to adjourn prevailed, and the Senate adjourned till 10:00 a. m. Thursday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 25, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Clare H. Boos, pastor of the Methodist Church of Afton.

HOUSE AMENDMENTS CONSIDERED

Senator Booth called up for consideration Senate File No. 105, amended by the House, and moved that the Senate concur in the following amendments:

Amend Senate File 105, section two (2) as follows:

Strike from line nine (9) the words and figures "six million dollars (\$6,000,000)" and insert in lieu thereof "eight million dollars (\$8,000,000)".

Strike from lines nine (9) and ten (10) the words and figures "nor more than nine million dollars (\$9,000,000) in any year".

Senator Booth offered the following amendment to the amendment and moved its adoption:

Amend the amendments to section two (2) by striking from line six (6) of said amendments the words: "in any year".

The amendment to the amendments was adopted.

On the question "Shall the Senate concur?" the vote was:

Ayes, 38.

Anderson	Geske	McArthur	Reese
Baldwin	Harrington	Meyer	Schmidt
Bennett	Hill	Miller of	Shangle
Booth	Hopkins	Buchanan	Stanley
Byers	Hush	Miller of Jones	Stevens of
Calhoun	Husted	Moore	Decatur
Carden	Irwin	Mullaney	Tripp
Coykendall	Kimberly	Nelson	Valentine
Doze	Klemme	Patterson	Wenner
Frailey	Leo	Pendray	Wilson

Nays, none.

Absent or not voting, 12.

Aschenbrenner	Elthon	Knudson	Stevens of
Beardsley	Fisch	Ritchie	Wapello
Beatty	Hicklin	Roelofs	Topping
Chrystal			

The House amendments as amended having received a constitutional majority were declared to have been adopted and concurred in by the Senate.

MOTION TO RECONSIDER WITHDRAWN

By unanimous consent, on request of Senator Valentine, his motion to reconsider the vote by which Senate File 245 passed the Senate, as found on page 718 of the Senate journal, was withdrawn.

CONSIDERATION OF SENATE FILE 272 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all Senators except Senators Fisch, Hicklin, Knudson, Roelofs, Stevens of Wapello, and Topping.

Senator Fisch was excused indefinitely.

Senator Booth asked unanimous consent that Senator Stevens of Wapello be excused until a vote is ready to be taken on any matter of allocation, or on the motion to reconsider as filed by Senator Wilson.

Senators Roelofs, Hicklin and Knudson appeared in the Senate chamber.

Consent was granted for the excuse of Senator Stevens of Wapello.

Senator Frailey moved that the call of the Senate be raised until 1:00 p. m. today.

The motion prevailed.

Senator Coykendall moved that the Senate proceed with other matters until 1:00 p. m. this afternoon.

The motion prevailed.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Schmidt Senate File 15, a bill for an act to amend section ninety-two hundred sev-

enteen-c one (9217-c1), Code, 1931, as amended by chapter one hundred sixty-one (161) of the Acts of the forty-fifth general assembly, relating to the minimum capitalization of state and savings banks and trust companies, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Wilson was called to the chair at 10:29 a. m.

Senator Schmidt offered the following amendment and moved its adoption:

Amend by striking lines twelve (12) to seventeen (17), inclusive, in section one (1) and inserting in lieu thereof the following:

"In cities and towns having a population of six thousand but not exceeding sixty-five thousand, not less than fifty thousand dollars.

"In cities and towns having a population over sixty-five thousand, not less than one hundred thousand dollars."

The amendment was adopted.

Senator Stevens of Decatur offered the following amendment and moved its adoption:

Amend by striking all of Section two (2), and inserting in lieu thereof the following:

"Sec. 2. This act being deemed of immediate importance shall be in full force and effect after its paselage and publication in the Lamoni Chronicle, a newspaper published at Lamoni, Iowa, and in The Creston Daily Advertiser, a newspaper published at Creston, Iowa."

The amendment was adopted.

Senator Schmidt moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Anderson	Frailey	Miller of	Schmidt
Aschenbrenner	Harrington	Buchanan	Shangle
Bennett	Hicklin	Moore	Stanley
Booth	Hopkins	Mullaney	Stevens of
Byers	Hush	Nelson	Decatur
Calhoun	Husted	Patterson	Topping
Carden	Klemme	Pendray	Tripp
Coykendall	Leo	Ritchie	Wenner
Doze	McArthur	Roelofs	Wilson
Elthon	Meyer		

Nays, none.

Absent or not voting, 14.

Baldwin	Fisch	Kimberly	Stevens of
Beardsley	Geske	Knudson	Wapello
Beatty	Hill	Miller of Jones	Valentine
Chrystal	Irwin	Reese	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Schmidt moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Hicklin Senate File 248, a bill for an act to legalize the tax levy made by the Board of Supervisors of Muscatine County, Iowa, in the years 1928, 1929, 1930, 1931 and 1933, to provide a fund for the support of indigent children, and to legalize the collection of said taxes by the Treasurer of Muscatine County, Iowa, a cities and towns committee bill, was taken up, and considered.

Senator Hicklin moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?" the vote was:

Ayes, 44.

Anderson	Elthon	McArthur	Roelofs
Aschenbrenner	Frailey	Meyer	Schmidt
Baldwin	Geske	Miller of	Shangle
Beardsley	Harrington	Buchanan	Stanley
Bennett	Hicklin	Miller of Jones	Stevens of
Booth	Hill	Moore	Decatur
Byers	Hush	Mullaney	Topping
Calhoun	Husted	Nelson	Tripp
Carden	Kimberly	Patterson	Valentine
Chrystal	Klemme	Pendray	Wenner
Coykendall	Knudson	Reese	Wilson
Doze	Leo		

Nays, none.

Absent or not voting, 6.

Beatty	Hopkins	Ritchie	Stevens of
Fisch	Irwin		Wapello

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hicklin moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Bennett House File 116, a bill for an act to make permanent the temporary transfer, made December 28, 1932, of money from the secondary road trunk construction fund to the general fund of Harrison County, Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Bennett moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 30.

Anderson	Frailey	McArthur	Pendray
Aschenbrenner	Geske	Meyer	Reese
Baldwin	Harrington	Miller of	Roelofs
Bennett	Hicklin	Buchanan	Schmidt
Booth	Hill	Miller of Jones	Topping
Byers	Hopkins	Moore	Valentine
Carden	Klemme	Mullaney	Wilson
Doze	Leo	Nelson	

Nays, 10.

Calhoun	Husted	Stanley	Tripp
Coykendall	Ritchie	Stevens of	Wenner
Hush	Shangle	Decatur	

Absent or not voting, 10.

Beardsley	Elthon	Kimberly	Stevens of
Beatty	Fisch	Knudson	Wapello
Chrystal	Irwin	Patterson	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Bennett moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator McArthur Senate File 233, a bill for an act to provide for the appointment of a conservator for a drainage district, levee district, drainage and levee district, drainage and levee district with pumping stations in default to holders of bonds issued by such districts in default; to provide for the issuance of conservator's bonds by such districts to the bondholders; to provide for adequate proceedings in the district court, and to provide for notices and writs incident to the operation of this act; and defining the meaning of the term 'drain-

age district' for the purpose of this act, a drainage committee bill, was taken up and considered.

The bill was read for information.

Senator McArthur offered the following amendment and moved its adoption:

Amend by striking section nine (9) and substituting the following:

"Section 9. The Court shall direct the Board of Supervisors to issue bonds in lieu of the outstanding Drainage bonds for said Drainage District, and additional bonds for the accrued interest and other indebtedness of said Drainage District. Said bonds shall be payable in amounts, and at the time and manner, and with priority of payments as has been determined by order of court, as provided by Section 8 hereof, and shall be called "Conservator's Drainage District Bonds". Each bond shall be numbered and shall state on its face that it is a Conservator's Drainage District bond; that it is issued in pursuance of a Resolution adopted by the Board of Supervisors, under order of Court, and giving the name of the court and the county where such court is held; that it is issued to pay indebtedness of the Drainage District; shall state the County where such district is located, and the number of the Drainage District for which it is issued; shall state the date of maturity of the bond, the rate of interest thereon, which rate shall not be less than 3½ per cent per annum, and that the bond is to be paid only from taxes assessed, levied and collected on the lands within the Drainage District for which the bond is issued. All bonds shall be signed by the Chairman of the Board of Supervisors and countersigned by the Conservator designated as such. The interest coupons attached to said bonds shall be attested by the signature of the Conservator or a facsimile thereof. When the bonds have been executed as herein required, the Conservator may sell said bonds at not less than par with accrued interest thereon, and pay the indebtedness of said Drainage District, or may exchange said bonds with the creditors of said Drainage District in amounts as has been fixed and determined by the court, and the Conservator shall cancel all Drainage bonds, Improvement Certificates, Warrants or other evidence of indebtedness received by him in lieu of the Conservator's bonds."

The amendment was adopted.

Senator Ritchie offered the following amendment and moved its adoption:

Amend by striking the period (.) following the word "deficit" in line seventeen (17) of section eight (8) and adding the following: "; provided, however, that no assessment for the payment of drainage bonds or improvement certificates shall be levied against any tract of land where the owner of said land is not delinquent in payment of any assessment."

The amendment was adopted.

Senator McArthur moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

President N. G. Kraschel returned to the chair at 11:25 a. m.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Anderson	Frailey	Leo	Reese
Aschenbrenner	Geske	McArthur	Roelofs
Beardsley	Harrington	Meyer	Schmidt
Bennett	Hicklin	Miller of	Shangle
Booth	Hill	Buchanan	Stanley
Byers	Hopkins	Miller of Jones	Stevens of
Calhoun	Hush	Mullaney	Decatur
Carden	Husted	Nelson	Topping
Coykendall	Kimberly	Patterson	Valentine
Doze	Klemme	Pendray	Wenner
Elthon	Knudson		

Nays, 3.

Beatty	Ritchie	Tripp
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Absent or not voting, 7.

Baldwin	Irwin	Stevens of	Wilson
Chrystal	Moore	Wapello	
Fisch			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator McArthur moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Booth Senate File 273, a bill for an act to require the board of supervisors and members thereof to close or cause to be closed, against vehicular travel, all secondary roads which may be formally vacated or affirmatively abandoned by said board, to provide the manner of such closing, to provide for the doing of the work of such closing by members of the board or by the county engineer, to provide for the cost of said work, to prohibit the removal of barriers erected in order to effect such closing, and to declare the civil and criminal responsibility for the negligent failure to perform said duty and for the wrongful removal of said erections, a highways committee bill, was taken up, and considered.

Senator Mullaney moved the previous question, which motion prevailed.

The bill was read for information.

Senator Booth moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Anderson	Elthon	Klemme	Pendray
Aschenbrenner	Frailey	Leo	Ritchie
Baldwin	Geske	McArthur	Roelofs
Beardsley	Harrington	Meyer	Schmidt
Bennett	Hill	Miller of	Stanley
Booth	Hopkins	Buchanan	Topping
Byers	Hush	Miller of Jones	Tripp
Calhoun	Husted	Mullaney	Valentine
Carden	Irwin	Nelson	Wenner
Coykendall	Kimberly	Patterson	Wilson
Doze			

Nays, 1.

Shangle

Absent or not voting, 9.

Beatty	Hicklin	Reese	Stevens of
Chrystal	Knudson	Stevens of	Wapello
Fisch	Moore	Decatur	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Booth moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Coykendall Senate File 178, a bill for an act to authorize and direct the Governor of the State of Iowa to execute and deliver to Lloyd Martin and Edith M. Martin, his wife, a patent to the following described Real Estate, to-wit: The Northwest one-quarter (NW $\frac{1}{4}$) of the Southeast one-quarter (SE $\frac{1}{4}$) of Section eight (8), Township sixty-eight (68), Range forty-two (42), West of the fifth P. M., situated in Fremont County, Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

By unanimous consent, on request of Senator Coykendall House File 210, a companion bill, was substituted for Senate File 178.

On motion of Senator Coykendall House File 210, a bill for an

act to authorize and direct the Governor of the State of Iowa to Execute and Deliver to Lloyd Martin and Edith M. Martin, his wife a patent to the following described Real Estate, to-wit: The Northwest one-quarter (NW $\frac{1}{4}$) of the Southeast one-quarter (SE $\frac{1}{4}$) of Section Eight (8), Township sixty-eight (68), Range Forty-two (42), West of the fifth P. M., situated in Fremont County, Iowa, was taken up, and considered.

The bill was read for information.

Senator Coykendall moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 44.

Anderson	Elthon	Klemme	Reese
Aschenbrenner	Frailey	Leo	Ritchie
Baldwin	Geske	McArthur	Roelofs
Beardsley	Harrington	Meyer	Schmidt
Beatty	Hicklin	Miller of	Shangle
Bennett	Hill	Buchanan	Stanley
Booth	Hopkins	Miller of Jones	Topping
Byers	Hush	Mullaney	Tripp
Calhoun	Husted	Nelson	Valentine
Carden	Irwin	Patterson	Wenner
Coykendall	Kimberly	Pendray	Wilson
Doze			

Nays, none.

Absent or not voting, 6.

Chrystal	Knudson	Stevens of	Stevens of
Fisch	Moore	Decatur	Wapello

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Coykendall moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Coykendall, Senate File 178, a companion bill to the one just passed, was withdrawn from further consideration.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully

reports that it has examined and finds correctly enrolled, Senate Files 270 and 85.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate Files 270 and 85.

Senator Shangle moved to recess until 1:30 p. m. today.

The motion prevailed.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Irwin, Senate File 227, a bill for an act to amend the law regulating the sale of securities as appears in chapter three hundred ninety-three C one (393-C1) of the Code of Iowa 1931; to repeal paragraph "b" of section eighty-five hundred eighty-one C four (8581-c4) relating to exempt securities; to repeal paragraph "f" of section eighty-five hundred eighty-one C four (8581-c4) relating to exempt securities, and to enact a substitute therefor; to amend paragraph "f" of section eighty-five hundred eighty-one C five (8581-c5) relating to exempt transactions; to amend paragraph "h" of section eighty-five hundred eighty-one C five (8581-c5) relating to exempt transactions; to repeal paragraph "i" of section eighty-five hundred eighty-one C five (8581-c5) relating to exempt transactions and to enact a substitute therefor; to amend section eighty-five hundred eighty-one C six (8581-c6) relating to registration of securities; to repeal section eighty-five hundred eighty-one C seven (8581-c7); to amend section eighty-five hundred eighty-one C eight (8581-c8) relating to registration by qualification; to amend chapter three hundred ninety-three C one (393-C1) relating to the Iowa Securities Act by inserting a section pertaining to the regulation of price and commission; to amend section eighty-five hundred eighty-one C nine (8581-c9) relating to consent to service; to amend section eighty-five hundred eighty-one C eleven (8581-c11) relating to registra-

tion of dealers and salesmen; to amend section eighty-five hundred eighty-one C twelve (8581-c12) relating to deposits for special examinations; to amend chapter three hundred ninety-three C one (393-C1) relating to the Iowa Securities Act by inserting a section pertaining to trust funds; to amend section eighty-five hundred eighty-one C thirteen (8581-c13) relating to revocation of dealers and salesmens registration; to amend chapter three hundred ninety-three C one (393-C1) relating to the Iowa Securities Act by inserting a section pertaining to examinations and insolvency; to amend chapter three hundred ninety-three C one (393-C1) relating to the Iowa Securities Act by inserting a section pertaining to transactions with insolvent dealers; to amend chapter three hundred ninety-three C one (393-C1) relating to the Iowa Securities Act by inserting a section pertaining to hypothecation of customer's securities; to amend section eighty-five hundred eighty-one C fourteen (8581-c14) relating to bonds and conditions; to amend section eighty-five hundred eighty-one C fifteen (8581-c15) relating to burden of proof; to repeal section eighty-five hundred eighty-one C seventeen (8581-c17) relating to injunctions and to enact a substitute therefor; to amend chapter three hundred ninety-three C one (393-C1) relating to the Iowa Securities Act by inserting a section pertaining to the authority of the Secretary of State, a banks and banking committee bill, was taken up and considered.

The bill was read for information.

Senator Byers offered the following amendment and moved its adoption:

Amend section 9 by striking all after the period in line 14.

The amendment was adopted.

Senator Byers offered the following amendment and moved its adoption:

Amend by adding as section 21 the following:

"Sec. 21. This act, being deemed of immediate importance, shall be in full force and effect from and after its passage and publication in the Cedar Rapids Gazette, a newspaper published at Cedar Rapids, Iowa, and the Cascade Pioneer, a newspaper published at Cascade, Iowa."

The amendment was adopted.

Senator Irwin moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Anderson	Geske	Leo	Reese
Aschenbrenner	Harrington	McArthur	Roelofs
Baldwin	Hicklin	Meyer	Schmidt
Bennett	Hill	Miller of	Shangle
Booth	Hopkins	Buchanan	Stevens of
Byers	Husted	Miller of Jones	Decatur
Carden	Irwin	Moore	Stevens of
Chrystal	Kimberly	Mullaney	Wapello
Coykendall	Klemme	Patterson	Topping
Doze	Knudson	Pendray	Tripp
Frailey			

Nays, 1.

Ritchie

Present, 1.

Wenner

Absent or not voting, 10.

Beardsley	Elthon	Nelson	Valentine
Beatty	Fisch	Stanley	Wilson
Calhoun	Hush		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Irwin moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

CONSIDERATION OF SENATE FILE 272 RESUMED

There being a call of the Senate on file, the roll call revealed the presence of all Senators except Senator Fisch, who had previously been excused indefinitely.

The call was declared complete.

Senator Husted called up for consideration his motion to reconsider, upon which action was deferred, as shown on page 789 of the Senate journal.

By unanimous consent, on request of Senator Patterson, his motion for previous question, as shown on page 789 of the Senate journal, was withdrawn.

Senator Husted asked unanimous consent to withdraw his motion to reconsider the vote by which the Shangle amendment was adopted.

Senator Wenner objected.

Senator Husted moved that his motion to reconsider be withdrawn.

The motion prevailed.

Senator Husted offered the following amendments to the bill as amended by the Shangle amendment, and moved their adoption:

Amend line 49 of said Sec. 2, subsection (b): Strike out the words and figures "two per cent (2%)", and insert in lieu thereof the words and figures "one and one-fourth per cent (1¼%)".

Further amend line 50 thereof by striking out the words and figures "three per cent (3%)" and inserting in lieu thereof the words and figures "two and one-half per cent (2½%)".

Further amend line 52 thereof by striking out the words and figures "four per cent (4%)" and inserting in lieu thereof the words and figures "three and one-half per cent (3½%)".

Further amend line 54 thereof by striking out the words and figures "five per cent (5%)" and inserting in lieu thereof the words and figures "four and one-half per cent (4½%)".

Amend sub-section (b) of Section 2 as follows: Strike out all of said subsection after the semi-colon in line 54 and add thereto the following, "on all amounts in excess of \$5,000.00 up to and including \$6,000.00 by a rate of five per cent (5%); on all amounts in excess of \$6,000.00 up to and including \$7,000.00 by a rate of six per cent (6%); on all amounts in excess of \$7,000.00 by a rate of seven per cent (7%)."

Roll call was demanded.

On the question "Shall the amendments be adopted?" the vote was:

Ayes, 42.

Anderson	Geske	Leo	Roelofs
Aschenbrenner	Harrington	McArthur	Schmidt
Baldwin	Hicklin	Meyer	Shangle
Beardsley	Hill	Miller of	Stanley
Beatty	Hopkins	Buchanan	Stevens of
Bennett	Hush	Miller of Jones	Decatur
Booth	Husted	Mullaney	Stevens of
Byers	Irwin	Nelson	Wapello
Calhoun	Kimberly	Patterson	Topping
Carden	Klemme	Pendray	Valentine
Doze	Knudson	Reese	Wilson
Frailey			

Nays, 4.

Chrystal	Elthon	Ritchie	Wenner
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Absent or not voting, 4.

Coykendall	Fisch	Moore	Tripp
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The amendments were adopted.

Senator Husted offered the following amendment and moved its adoption:

Amend Section 5, line 3, by striking the period and inserting a comma “,” in lieu thereof and adding the words and figures “whose tax in the aggregate does not exceed \$3.00.”

Senator Shangle offered the following as a substitute for the pending amendment and moved its adoption:

Amend by striking section 5.

Senator Wenner raised the point of order that this matter had been before the Senate on an amendment proposed by Senator Shangle and was defeated (page 772 of Senate journal); therefore the Senate cannot at this time again consider it.

The President held the point of order well taken and the substitute amendment out of order.

Senator Hush moved the previous question on the pending Husted amendment, which motion prevailed.

Roll call was demanded.

On the question, “Shall the amendment be adopted?” the vote was:

Ayes, 4.			
Aschenbrenner	Doze	Husted	Shangle
Nays, 42.			
Anderson	Geske	McArthur	Schmidt
Baldwin	Harrington	Meyer	Stanley
Beardsley	Hicklin	Miller of	Stevens of
Beatty	Hill	Buchanan	Decatur
Bennett	Hopkins	Miller of Jones	Stevens of
Booth	Hush	Moore	Wapello
Calhoun	Irwin	Mullaney	Topping
Carden	Kimberly	Nelson	Tripp
Chrystal	Klemme	Pendray	Valentine
Coykendall	Knudson	Reese	Wenner
Elthon	Leo	Roelofs	Wilson
Frailey			
Absent or not voting, 4.			
Byers	Fisch	Patterson	Ritchie

The amendment was lost.

Senator Wilson called up for consideration his motion to reconsider as follows and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which the amendment offered by the Senator from Floyd and the Senator from Van Buren

to Senate File 272 failed of substitution, said amendment appearing in the Journal of January 22, 1934.

Roll call was demanded.

Senator Beardsley raised the point of order that Senator Shangle was not speaking on the question.

The President held the point of order well taken.

Senator Beatty asked an opinion of the chair as to how much of the question of taxation was open for debate on the motion to reconsider.

The President stated that the motion was debatable; the subject matter was automatically open to debate; and that if the motion prevailed, the amendment would then be open to debate and amendment.

SENATE FILE 1 ON THE CALENDAR

Senator Hicklin moved that Senate File 1 take the place on the calendar of Senate File 272.

The motion prevailed.

HOUSE FILE 224 ON THE CALENDAR

By unanimous consent, on request of Senator Patterson, House File 224 was withdrawn from the committee on judiciary No. 2 and placed on the calendar.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that they have on this 25th day of January, 1934, sent to the governor for his approval, Senate Files 270 and 85.

HOMER HUSH, *Chairman.*

Passed on file.

Senator Irwin moved that the call of the Senate be raised.

The motion prevailed.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 1, a bill for an act to equalize taxation, provide for public revenue, imposing a personal net income tax, a business tax and a tax on gross receipts, providing for the collection, distribution and administration thereof.

VIRGIL LEKIN, *Chief Clerk.*

By unanimous consent, on request of Senator Valentine, the order of business was returned to House messages.

HOUSE MESSAGE CONSIDERED

House File 1, a bill for an act to equalize taxation and replace in part the tax on property; to provide the public revenue to be used for such replacement by imposing a personal net income tax, a business tax on corporations, and a tax on the gross receipts from retail sales as defined herein; to provide for the collection of such taxes, the distribution and use of the revenue derived therefrom, and the administration of said law; to fix fines and penalties for the violation of the provisions of this act; to amend Chapter twenty-four (24), Code, 1931; and to repeal all laws or parts of laws in conflict herewith.

Read first and second times and referred to committee on tax revision and reorganization.

AMENDMENTS FILED

Amend Senate File 18 as follows:

In Section 2, line six (6), strike out the word "laminated".

PAUL W. SCHMIDT.

Amend House File 1, by striking therefrom Section 33, and by substituting therefor the following:

"1. Consolidated Returns.—All affiliated corporations, as hereinafter defined, may, under regulations to be prescribed by the board, be permitted to make a consolidated return for the taxable year in lieu of separate returns. The making of a consolidated return shall be upon the condition that all the corporations which have been members of the affiliated group at any time during the taxable year for which the return is made consent to all regulations of the board and the making of a consolidated return shall be considered as such consent.

2. As used in this section the words "affiliated group" shall mean one or more corporations connected through stock ownership with a common parent corporation if (a) at least 95 per cent of the stock of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations; and (b) the common parent

corporation owns directly at least 95 per cent of the stock of at least one of the other corporations. As used in this subsection the term "stock" does not include non-voting stock which is limited and preferred as to dividends.

3. In the case of a corporation which is a member of the affiliated group for a fractional part of the year the consolidated return shall include the income of such corporation for such part of the year as it is a member of the affiliated group.

4. The gross income of any corporation once included in computing the tax due hereunder shall not again be included as taxable gross income when distributed to affiliated corporations.

5. In case it shall appear to the board that any arrangement exists in such a manner as to improperly reflect the income earned from business properly attributable to the state, the board is authorized and empowered, in such manner and under such rules and regulations as it may determine, equitably to adjust the tax." E. R. HICKLIN.

Amend Section 10, of House File 1, by striking therefrom the third (3rd) subdivision thereof, and by substituting for the lines so stricken, the following:

"3. Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made."

E. R. HICKLIN.

Amend Section 21, of House File 1, as follows:

By adding thereto after the word "practicable", in the second line thereof, the words "and in any event within two (2) years".

Also by substituting the word "two" for the word "five" in line 14 of said section.

Also by striking therefrom paragraph three (3) thereof, and by substituting for the lines so stricken, the following:

"3. To the tax or additional tax as determined by the Board under the provisions of paragraphs one (1) and two (2) of this Section, there shall be added and made a part thereof, additional amounts as follows:

(a) If the failure to file a return or list income, or any portion thereof, is not due to any fault of the taxpayer, no penalty shall be added, but interest shall be added at the rate of one-half of one per cent ($\frac{1}{2}\%$) for each month or fraction of a month during which the tax and/or additional tax remains unpaid.

(b) If such failure is due to negligence of the taxpayer, without intent to defraud, interest shall be added at the rate of one-half of one per cent ($\frac{1}{2}\%$), for each month or fraction of the month during which the tax, or additional tax remains unpaid, plus an additional amount by way of penalty, equal to five per cent (5%) of such tax and/or additional tax, but in no case shall such penalty be less than one dollar (\$1.00).

(c) If such failure is found by the Board to be due to fraud upon the part of the taxpayer, with intent to evade the tax, interest shall be added at the rate of one per cent (1%) for each month or fraction of a month during which the tax or additional tax remains unpaid, plus an additional amount by way of penalty, equal to ten per cent (10%) of

such tax and/or additional tax, but in no case less than Five Dollars (\$5.00).

(d) The interest provided for in this paragraph 3, of Section 21, shall in all cases be computed from the date the return was originally required to be filed.”

E. R. HICKLIN.

The journal of January 24th was corrected and approved.

On motion of Senator Shangle, the Senate adjourned until 10:00 a. m. tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 26, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. A. R. Weed, pastor of the West Star and Worthington churches of Winterset, also a member of the House of Representatives.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Opposing Senate File 253 relating to maintenance of sinking fund for repairing school property. Senator Coykendall from Shenandoah Association of Insurance Agents. Public schools.

Favoring tax on chain stores. Senator Nelson from voters of Story county. Cities and towns.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that he had signed, on the twenty-fifth day of January, the following bill:

Senate File 251, legalizing certain warrants of Pocahontas county, Iowa.

On the twenty-sixth day of January:

Senate File 244, legalizing the proceedings relating to the issuing of bonds by the Independent School District of Corydon, Wayne county, Iowa.

Senate File 123, legalizing the corporate existence of the Modern Woodmen Commercial Club of Bryant Camp, Bryant, Iowa.

Senate File 234, legalizing proceedings of Town Council of Lakeview, Iowa, authorizing issuance of town hall bonds.

Senate File 241, legalizing issuance of public building bonds by city council of Burlington, Iowa.

Senate File 132, legalizing corporate acts of Star Automobile Company, Pella, Marion county, Iowa.

Senate File 270, relating to act making appropriation to the state board of education from the primary road fund, in the city of Vinton, Iowa.

Senate File 85, relating to the Iowa Butter Trademark.

HOUSE CONCURRENT RESOLUTION NO. 8 REFERRED

Senator Mullaney moved that House Concurrent Resolution No. 8 be referred to the committee on insurance.

The motion prevailed.

By unanimous consent, on request of Senator Wenner, Senator Schmidt was excused until the call was in force, on account of illness in his family.

Senator Roelofs moved that the Senate consider the committee reports, for indefinite postponement, on Senate Files 32 and 58 and House File 40.

The motion prevailed.

THIRD READING OF BILLS

On motion of Senator Roelofs, Senate File 32, a bill for an act to amend the law as it appears in section ninety-four hundred twenty (9420) of chapter four hundred nineteen (419) of the Code of Iowa, 1931, relating to chattel loans of not to exceed three hundred dollars (\$300.00) and fixing the maximum monthly rate of interest thereon, with report of committee recommending indefinite postponement, was taken up and considered.

Senator Harrington moved to defer action on the motion to adopt the committee report.

By unanimous consent on request of Senator Harrington his motion to defer was withdrawn.

Roll call was demanded.

On the question "Shall the report be adopted?" the vote was:

Ayes, 5.

Harrington
Irwin

Kimberly

Miller of
Buchanan

Moore

Nays, 41.

Anderson
Aschenbrenner
Baldwin
Beardsley
Beatty
Booth
Byers
Calhoun
Carden
Chrystal
CoykendallDoze
Elthon
Frailey
Geske
Hicklin
Hill
Hopkins
Hush
Husted
Klemme
KnudsonLeo
McArthur
Meyer
Miller of Jones
Mullaney
Nelson
Patterson
Pendray
Reese
Ritchie
RoelofsShangle
Stanley
Stevens of
Decatur
Stevens of
Wapello
Topping
Tripp
Wenner
Wilson

Absent or not voting, 4.

Bennett

Fisch

Schmidt

Valentine

The report was rejected. Further action was deferred.

On motion of Senator Roelofs, Senate File 58, a bill for an act to define, license, supervise, and regulate the business of making loans in the amount or of the value of three hundred dollars (\$300) or less at a greater rate of interest or charge than the lender would be permitted by law to charge if not licensed hereunder; to prescribe maximum rates of interest or charges therefor and methods of determining the same from time to time; to provide for the classification of such loans for the purposes of this act; to enlarge the powers of the superintendent of banking and the state banking board; to regulate assignments of wages or salaries when given as security for any such loan or as consideration for a payment of three hundred dollars (\$300) or less; to provide penalties; to repeal chapter four hundred nineteen (419) of the code, 1931, and to enact a substitute therefor; and to repeal all acts and parts of acts, whether general, special, or local, which relate to the same subject matter as this act, in so far as they are inconsistent with this act, with report of committee recommending indefinite postponement, was taken up and considered.

Roll call was demanded.

On the question "Shall the report be adopted?" the vote was:

Ayes, 4.

Harrington

Irwin

Miller of
Buchanan

Moore

Nays, 41.

Anderson	Doze	Knudson	Roelofs
Aschenbrenner	Elthon	Leo	Shangle
Baldwin	Frailey	McArthur	Stanley
Beardsley	Geske	Meyer	Stevens of
Beatty	Hicklin	Miller of Jones	Decatur
Booth	Hill	Mullaney	Stevens of
Byers	Hopkins	Nelson	Wapello
Calhoun	Hush	Patterson	Topping
Carden	Husted	Pendray	Tripp
Chrystal	Kimberly	Reese	Wenner
Coykendall	Klemme	Ritchie	

Absent or not voting, 5.

Bennett	Schmidt	Valentine	Wilson
Fisch			

The report was rejected. Further action was deferred.

On motion of Senator Roelofs, House File 40, a bill for an act to amend the law as it appears in section ninety-four hundred twenty (9420), Code, 1931, relating to interest on chattel loans up to three hundred dollars (\$300.00), with report of committee recommending indefinite postponement, was taken up and considered.

Roll call was demanded.

On the question "Shall the report be adopted?" the vote was:

Ayes, 3.

Harrington	Miller of Buchanan	Moore
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Nays, 39.

Anderson	Coykendall	Klemme	Reese
Aschenbrenner	Elthon	Knudson	Ritchie
Baldwin	Frailey	Leo	Roelofs
Beardsley	Geske	McArthur	Shangle
Beatty	Hicklin	Meyer	Stanley
Booth	Hill	Miller of Jones	Topping
Byers	Hopkins	Mullaney	Tripp
Calhoun	Hush	Nelson	Wenner
Carden	Husted	Patterson	Wilson
Chrystal	Kimberly	Pendray	

Absent or not voting, 8.

Bennett	Irwin	Stevens of	Stevens of
Doze	Schmidt	Decatur	Wapello
Fisch			Valentine

The report was rejected.

Further action was deferred.

REPORTS OF COMMITTEE

Senator Frailey submitted the following reports:

MR. PRESIDENT: Your committee on liquor control, to which was referred House File 292, a bill for an act to promote temperance in the State of Iowa; to create a Liquor Control Commission; to prescribe its powers, duties, and to provide for the control by such commission of the alcoholic liquor traffic within the State of Iowa, and to provide for the licensing thereof and revenue therefrom; to provide for the enforcement and to prescribe the penalties for violation of this Act; to provide for the confiscation and disposal of property seized under the provisions hereof; to provide for the abatement of nuisances created by the violation of this Act; to provide for appropriation of proceeds derived under this Act; to provide for periodical audits of the Commission; to fix penalties, prescribe procedure, and to repeal Chapter forty-two (42) of the Acts of the forty-fifth (45) General Assembly, Chapters ninety-four (94) to one hundred four (104), inclusive, which includes Sections nineteen hundred twenty-two (1922) to and including Section twenty-one hundred eighty (2180) of the nineteen hundred thirty-one (1931) Code of Iowa, and any and all laws or parts of laws inconsistent with this Act, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

1. Amend the title by changing the final period to a semi-colon and adding the following:

"provided, however that the repeal of any Chapters of the Code or sections thereof shall in no manner repeal or affect Chapter Thirty-seven (37) of the Laws of the Forty-fifth (45th) General Assembly, it being the intent of this Act that the said Chapter Thirty-seven (37) of the Laws of the Forty-fifth (45th) General Assembly shall remain in full force and effect as enacted or as hereafter amended."

2. Amend Section 2 by striking all after the word "Act" in lines 7 and 8 and inserting in lieu thereof the following:

"are hereby repealed; provided, however that the repeal of any Chapters of the Code or sections thereof shall in no manner repeal or affect Chapter Thirty-seven (37) of the Laws of the Forty-fifth (45th) General Assembly, it being the intent of this Act that the said Chapter Thirty-seven (37) of the Laws of the Forty-fifth (45th) General Assembly shall remain in full force and effect as enacted or as hereafter amended."

3. Amend Section 3 by striking all after the word "liquor" in line 3, all of line 4 and the words "provisions of" in line 5 and inserting in lieu thereof the following: " , except beer as defined in"; also by striking the parenthesis mark in line 6.

4. Amend Section 4, subsection 2, by striking line 8 thereof and inserting a period at the end of line 7.

5. Amend Section 4 by striking subsection 5.

6. Amend Section 4 by striking subsection 6 and inserting in lieu thereof the following:

"6. "Alcoholic Liquor" includes the three varieties of liquor above defined (alcohol, spirits, and wine), and every liquid or solid, patented or

not, containing alcohol, spirits, or wine, and susceptible of being consumed by a human being, for beverage purposes. Any liquid or solid containing more than one of the three varieties above defined is considered as belonging to that variety which has the highest percentage of alcohol, according to the order in which they are above defined."

7. Amend Section 4 by striking subsection 12.

8. Amend Section 4 by inserting therein after subsection 22 thereof the following as subsection 23:

"23. (a) "Hotel" means every building or other structure, kept, used, maintained, advertised, and held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests in which rooms are used for sleeping accommodations for such transient guests and having one or more dining rooms being connected in the same building or buildings, structure or structures, being provided, in the judgment of the commission, with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein such number and kinds of servants and employees as the commission may by regulation prescribe for preparing, cooking, and serving suitable food for its guests.

"(b) "Restaurant" means a space in a suitable building, approved by the commission, kept, used, maintained, advertised or held out to the people to be a place where the principal business is the serving of meals without sleeping accommodations, such space being provided, in the judgment of the commission, with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein such number and kinds of servants and employees as the commission may by regulation prescribe for preparing, cooking, and serving suitable food for its guests.

"(c) "Club" means an association of persons, whether incorporated or unincorporated, for the promotion of some common object (not including associations organized for any commercial or business purpose the object of which is money profit), owning, hiring, or leasing a building or space in a building, of such an extent and character as in the judgment of the commission may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment, implements and facilities, and employing a sufficient number of servants or employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the commission annually within ten (10) days of February first of each year a list of the names and residences of its members, and similarly files within ten (10) days of the election of any additional member, his name and address, and that its aggregate annual membership fees or dues and other income, exclusive of any proceeds of the sale of alcoholic liquor, are sufficient to defray the annual rental of its leased or rented premises, or, if such premises are owned by the club, are sufficient to meet the taxes, insurance, repairs, and the interest on any mortgage thereof; and provided, further, that its affairs and management are conducted by a board of directors, executive committee, or similar body

chosen by the members at their annual meeting, and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the disposition or sale of alcoholic liquor to the club or to the members of the club, or its guests introduced by members, beyond the amount of such salary as may be fixed and voted at annual meetings by the members or by its directors or other governing body and as reported by the club to the commission, within three months after such annual meeting, and as shall in the judgment of the commission be reasonable and proper compensation for the services of such member, officer, agent, or employee."

9. Amend Section 5, subsection (1), by striking out the word "three" in line 2 thereof and inserting in lieu thereof the word "five"; also by striking out the word "two" in line 3 thereof and inserting in lieu thereof the word "three".

10. Amend Section 5, subsection (4), by striking out the words "three thousand six hundred" in line 36 thereof and inserting in lieu thereof the words "five thousand".

11. Amend Section 5, subsection (4), by striking from lines 39 and 40 the words "subject to approval of the executive council".

12. Amend Section 5, subsection (4), by striking the word "his" in line 42 and inserting in lieu thereof the word "their"; also by striking the words "the city of Des Moines" in line 44 and inserting in lieu thereof the words "their place of residence".

13. Amend Section 5, subsection (4), by striking from lines 47 and 48 the words "and by the executive council, as a condition precedent to payment".

14. Amend Section 5, subsection (5), by striking out the words "executive council" in lines 54 and 55 and inserting in lieu thereof the following: "Senate by a two-thirds (2/3) vote of the members in executive session"; also by striking out the word "one" in line 55 thereof and inserting in lieu thereof the word "two"; also by striking out the word "one" where it first appears in line 56 thereof and inserting in lieu thereof the word "two".

15. Amend Section 6 by striking from line 5 the words "the State Capitol at".

16. Amend Section 7, subsection (h), by striking out the period after the word "package" in line 32 and inserting a comma and adding the following: "unless otherwise herein provided for."

17. Amend Section 7 by inserting after subsection (k) the following: "(1) To designate what hotels, restaurants, and clubs shall be allowed to sell alcoholic liquor for consumption with meals."

18. Amend Section 10, subsection (1), by adding after the word "distributor" in line 4 the following:

"who shall have been in business not less than five (5) years prior to such appointment,".

19. Amend Section 10, subsection (3), by striking the words "after one year" in line 17 thereof; also by striking the word "shall" in line 19 and inserting in lieu thereof the word "may".

20. Amend Section 10, subsection (4), by striking the words "for one year or more" in line 22.

21. Amend by striking Section 11-a and inserting in lieu thereof the following:

"Sec. 11-a. The Liquor Control Commission shall prescribe from time to time by rule or regulation the qualifications to be possessed by persons desiring employment in State liquor stores or establishments."

22. Amend Section 15 by striking the words "handling monies" in line 8 and inserting in lieu thereof the words "holding positions of trust"; also amend by striking out the words "such monies" in line 10 and inserting in lieu thereof the words "all monies, merchandise and other properties".

23. Amend Section 19 by striking out the word "druggist" in line 28 thereof and inserting in lieu thereof the word "pharmacist".

24. Amend Section 19 by changing the period after the word "surgeon" in line 33 to a comma and adding the following:

"and to purchase liquor from the State Liquor Stores or special distributors for use in manufacturing or compounding lotions, compounds, and other like commodities not susceptible for beverage purpose, and to sell the same for public use."

25. Amend Section 19 by striking therefrom subsection (e), lines 91 to 101 inclusive, and inserting in lieu thereof the following:

"Nothing in this Act shall prohibit the legitimate sale of patent and proprietary medicines, tinctures, food products, extracts, toilet articles and perfumes, and other like commodities, none of which are generally classified or used as a beverage but which require as one of their ingredients alcoholic or vinous liquors, through the ordinary retail or wholesale channels."

26. Amend Section 20 by striking out lines 1 to 7 inclusive and inserting in lieu thereof the following:

"For an "individual permit" under clause (a) of subsection (2) issued after this act takes effect or upon the taking effect of this act the fee shall be one dollar (\$1.00) and such permit shall expire upon the 30th day of June, 1934. On all such permits issued on or after July 1, 1934, the fee shall be one dollar (\$1.00), and such permits shall expire on June 30th following date of issuance."

27. Amend by striking out Section 27.

28. Amend by inserting immediately before Section 28 the following:

"Sec. —. (1) Upon application in the prescribed form and accompanied by the prescribed fee, the commission may in accordance with this Act, and in accordance with the regulations, made thereunder, grant special licenses to the following classes:

- (a) Hotels.
- (b) Restaurants.
- (c) Clubs.

"(2) "Hotel Licenses" shall allow the retail sale and consumption of light wines and beer by the patrons of such hotel and the fee for such "hotel license" shall be in the sum of.....Dollars.

"(3) A "restaurant license" shall in all respects be identical as to provisions, obligations and penalties with the "hotel license" except that the business that is carried on shall be that of a restaurant and not of a

hotel and the fee for such license shall be in the sum of..... Dollars.

"(4) A "club license" may be issued by the commission subject to the following conditions, limitations, and restrictions:

(a) No license shall be issued to a proprietary club or one operated for a pecuniary gain:

1. Unless the premises occupied by such club be constructed, equipped, managed and operated to the satisfaction of the commission and in accordance with the provisions of this Act and the regulations made thereunder.

2. Unless such club through its duly elected officers shall, at least thirty days prior to the date of application for license, file with the commission notice of its intention to apply for such a license, accompanied with a description of the premises occupied or proposed to be occupied and a list of the paid up membership of such club and those in good standing.

(b) A "club license" shall be issued in the name of the club applying for the same and shall not be transferrable nor assignable nor shall the holder of a club license allow any other group or person to use the same.

"For the purpose of considering and determining whether or not a club license should be issued the commission may cause an inspection to be made of the premises occupied by such club and inquire into any and all matters concerning the establishment, constitution, or management of such club and the commission may in its discretion grant or refuse such license. The commission may, from time to time in the exercise of like discretion and, with or without hearing, suspend or cancel any club license and any or all rights of such club. Such licenses shall be either suspended or cancelled in the discretion of the commission.

"Whenever a club license has been suspended or cancelled as herein provided the holder of such license shall forthwith deliver the same to the commission. Upon failure of the club license holder to deliver said license to the commission, the commission shall forthwith cancel the same. In the case of the suspension of said license, the commission shall return the license to the holder at the expiration of such period of suspension. Where the club license has been either suspended or cancelled, the commission shall notify all vendors in the municipality where the club has its premises and such other persons as may be provided for in the regulations under this Act made, of the fact of such suspension or cancellation of licenses. In the event of the cancellation of a club license, no license shall thereafter be issued to said club within the period of one (1) year from the date of such cancellation of license.

"Every club license issued under this section shall be subject to all of the conditions and restrictions imposed by the Act and by the regulations made thereunder.

"Every licensed club shall post and keep posted its club license in a prominent position or place on the club premises.

"The fee for a club license as herein defined shall be in the sum ofDollars.

"Subject to the provisions of this Act, and regulations promulgated

under this Act, the commission shall have authority to issue a liquor license as provided for in this Act for any premises kept or operated by a club as defined in this Act, entitling such club to purchase liquor from a state liquor store, and to keep on the premises such liquor, and, subject to the provisions of this Act and the regulations made thereunder, to sell the same, to members for consumption on the club premises."

29. Amend Section 28, subsection (1), by striking out the words and figures "Two Hundred Fifty Dollars (\$250)" in line 2 thereof and inserting in lieu thereof the following: "not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00) subject to the judgment of the commission".

30. Amend Section 33 by striking from lines 3 and 4 thereof the words "or at any place other than a place of abode or a guest room of a hotel,".

31. Amend by striking Section 38.

32. Amend by striking Section 41.

33. Amend Section 43 by striking out in line 4 thereof the words "five hundred thousand" and inserting in lieu thereof the words "one million".

34. Amend by striking out Section 49 and inserting in lieu thereof the following:

"Sec. 49. Notwithstanding anything in this Act contained, but subject to any regulations or restrictions which the commission may impose, manufacturers of native wines from grapes, cherries, other fruit juices, or honey grown and produced in Iowa may sell, keep, or offer for sale and deliver the same in such quantities as may be permitted by the commission for consumption off the premises.

"A manufacturer of native wines shall not sell such wines otherwise than as permitted by this section or allow any wine so sold, or any part thereof, to be drunk upon the premises of such manufacturer."

35. Amend Section 52 by striking lines 14 and 15 and inserting in lieu thereof the following: "conviction shall be sentenced to the county jail or the penitentiary, in the discretion of the court, for a period not exceeding one year."

36. Amend Section 86 by striking therefrom lines 8 to 13 inclusive and inserting in lieu thereof the following:

"Any neglect, misfeasance, or malfeasance shown by any peace officer included in this section will be sufficient cause for his removal as provided for by the statutes of the State of Iowa."

37. Amend Section 87 by striking out the words "Fort Madison" in line 2 thereof and inserting in lieu thereof the word "Evening".

38. Further amend by renumbering all sections and subsections thereof to conform to the foregoing amendments.

J. R. FRAILEY, *Chairman.*

Ordered passed on file.

Also:

Your committee on liquor control, to which was referred Senate Substitute for Senate File 150, a bill for an act to repeal Chapters Ninety-four (94), Ninety-five (95), Ninety-six (96), Ninety-seven (97), Ninety-

eight (98), Ninety-nine (99), One Hundred (100), One Hundred One (101), One Hundred Two (102), One Hundred Three (103), and One Hundred Four (104), of Title VI of the Code of Iowa, 1931, relating to intoxicating liquors; to create a State Liquor Control Board and prescribing the powers and duties thereof, including the power to fix the sale price of liquor and wine; to provide for the control by such board of the liquor traffic within the State of Iowa; to provide for the issuance of licenses and permits; to provide revenue by taxation of liquors and wines and from licenses and permits to buy and sell liquors and wines; to provide for the allocation and distribution of the proceeds of revenue derived under this act; to provide punishments for violations of this act; and to make an appropriation for the purpose of carrying out the provisions of this act, begs leave to report it has had the same under consideration and returns the bill without recommendation.

J. R. FRAILEY, *Chairman.*

Ordered passed on file.

HOUSE FILE 292 AND SENATE SUBSTITUTE FOR SENATE
FILE 150 MADE SPECIAL ORDER

Senator Frailey moved that House File 292 and Senate Substitute for Senate File 150 be made special order of business immediately following the completion of consideration of tax revision.

The motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendments to House amendments to the following bill in which the concurrence of the House was asked:

Senate File No. 105, a bill for an act to remove the present limitations on the use of primary road funds for the payment of principal and interest of primary road bonds.

Also: That the House has refused to concur in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 97, a bill for an act relating to the protection of the permanent school fund.

VIRGIL LEKIN, *Chief Clerk.*

SENATE FILE 1 CONSIDERED

There being a call of the Senate on file, roll call revealed the presence of all Senators except Senators Fisch and Schmidt.

Senator Fisch was excused previously from the call.

By unanimous consent, on request of Senator Coykendall, Senator Schmidt was excused from the call, for the day.

The call was declared complete.

Senator Valentine moved that the rules be suspended and House File 1 be called from the committee on tax revision and reorganization and substituted for Senate File 1 on the calendar.

Roll call was demanded.

On the question "Shall the motion prevail?" the vote was:

Ayes, 38.

Anderson	Frailey	Meyer	Roelofs
Aschenbrenner	Geske	Miller of	Shangle
Baldwin	Harrington	Buchanan	Stanley
Byers	Hicklin	Miller of Jones	Stevens of
Calhoun	Hill	Moore	Wapello
Carden	Hush	Mullaney	Topping
Chrystal	Kimberly	Patterson	Tripp
Coykendall	Klemme	Pendray	Valentine
Doze	Knudson	Reese	Wenner
Elthon	McArthur	Ritchie	Wilson

Nays, 2.

Hopkins Husted

Absent or not voting, 10.

Beardsley	Booth	Leo	Stevens of
Beatty	Fisch	Nelson	Decatur
Bennett	Irwin	Schmidt	

The motion prevailed and House File 1 was substituted for Senate File 1.

Senator Beatty moved that the Senate defer action on House File 1 until 10:00 a. m. Monday.

A division of the vote was called for.

The motion prevailed.

COPIES HOUSE FILE 1 ORDERED

Senator Valentine moved that 1200 extra copies of House File 1, as passed by the House, be printed.

The motion prevailed.

Senator Frailey moved that the call of the Senate be raised until 10:00 a. m. Monday, to apply at that time to House File 1.

The motion prevailed.

HOUSE FILE 323 ON CALENDAR

By unanimous consent, on request of Senator Hicklin, House File 323 was called from the committee on judiciary No. 2 and placed on the calendar.

HOUSE FILE 185 REREFERRED

By unanimous consent, on request of Senator Frailey, House File 185 was returned from the committee on judiciary No. 1 and rereferred to the committee on motor vehicles.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Patterson, House File 224, a bill for an act to make permanent the temporary transfer, made November 6, 1931, of money from the secondary road maintenance fund to the general fund of Emmet county, called from the committee on judiciary No. 2 by unanimous consent was taken up and considered.

Senator Patterson offered the following amendment and moved its adoption:

Amend by striking from lines 9 and 10 of section 1, the words "secondary road maintenance fund to the general fund" and inserting in lieu thereof the words: "general fund to the secondary road maintenance fund of said county".

The amendment was adopted.

Senator Mullaney moved the previous question, which motion prevailed.

The bill was read for information.

Senator Patterson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 35.

Anderson	Geske	McArthur	Pendray
Aschenbrenner	Harrington	Meyer	Reese
Baldwin	Hicklin	Miller of	Ritchie
Bennett	Hill	Buchanan	Roelofs
Byers	Hopkins	Miller of Jones	Stevens of
Carden	Irwin	Moore	Decatur
Chrystal	Kimberly	Mullaney	Topping
Doze	Klemme	Nelson	Valentine
Elthon	Leo	Patterson	Wilson
Frailey			

Nays, 10.

Beatty	Coykendall	Shangle	Tripp
Booth	Hush	Stanley	Wenner
Calhoun	Husted		

Absent or not voting, 5.

Beardsley	Fisch	Schmidt	Stevens of
	Knudson		Wapello

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Wenner, House File 323, a bill for an act to legalize the corporate acts and proceedings of the Hudson Co-Operative Dairy Association, of Hudson, Black Hawk county, Iowa, and to provide for the renewal and extension of the period of corporate existence and the adoption of renewal, amended and substituted articles of incorporation of said Hudson Co-Operative Dairy Association, called from the committee on judiciary No. 2, by unanimous consent, was taken up and considered.

The bill was read for information.

Senator Wenner moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 42.

Aschenbrenner	Elthon	Klemme	Pendray
Baldwin	Frailey	Knudson	Ritchie
Beardsley	Geske	Leo	Roelofs
Beatty	Harrington	McArthur	Shangle
Bennett	Hicklin	Meyer	Stanley
Booth	Hill	Miller of	Stevens of
Byers	Hopkins	Buchanan	Decatur
Calhoun	Hush	Miller of Jones	Topping
Carden	Husted	Mullaney	Tripp
Coykendall	Irwin	Nelson	Wenner
Doze	Kimberly	Patterson	Wilson

Nays, none.

Absent or not voting, 8.

Anderson	Fisch	Reese	Stevens of
Chrystal	Moore	Schmidt	Wapello
			Valentine

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Irwin, Senate

File 108, a bill for an act to amend chapter thirty-seven (37), Acts of Forty-fifth (45th) General Assembly, relating to the sale of beer, and to prohibit the sale of beer after March first (1st), 1934, unless sixty-six and two thirds per cent ($66\frac{2}{3}\%$) or more of the grain used in its manufacture consists of barley malt, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Patterson offered the following amendment and moved its adoption:

Amend section 1 by striking from line 4 the word "March" and inserting in lieu thereof the word "July"; also amend the title by striking therefrom the word "March" and inserting in lieu thereof the word "July".

The amendment was adopted.

Action was deferred temporarily.

On the motion of Senator Shangle, the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Hicklin for the afternoon, on request of Senator Knudson.

CONSIDERATION OF SENATE FILE 108 RESUMED

Senator Irwin offered the following amendment and moved its adoption:

Amend by inserting after the word, "unless", in line five of Section one, the words, "made from".

Also amend by striking from lines five and six the words, "of the grain used in its manufacture consists".

The amendment was adopted.

Senator Irwin moved that the reading previously had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Anderson	Harrington	Meyer	Shangle
Aschenbrenner	Hopkins	Miller of	Stanley
Baldwin	Hush	Buchanan	Stevens of
Booth	Husted	Miller of Jones	Decatur
Byers	Irwin	Moore	Stevens of
Calhoun	Kimberly	Mullaney	Wapello
Coykendall	Klemme	Pendray	Topping
Doze	Knudson	Reese	Tripp
Elthon	Leo	Ritchie	Wenner
Geske	McArthur	Roelofs	Wilson

Nays, none.

Absent or not voting, 13.

Beardsley	Chrystal	Hicklin	Patterson
Beatty	Fisch	Hill	Schmidt
Bennett	Frailey	Nelson	Valentine
Carden			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Miller of Buchanan, House File 194, a bill for an act to amend subsections four (4) and five (5) of section one (1), chapter one hundred twenty-five (125), Acts of the 45th General Assembly, relating to the reimbursement of school districts because of tax-free land within such districts so as to provide that such reimbursement shall equal the tuition such districts are required to pay other districts because of children of state or federal employees who live on state or government owned land within the district, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Miller of Buchanan moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 39.

Anderson	Geske	Miller of	Shangle
Aschenbrenner	Harrington	Buchanan	Stanley
Beardsley	Hopkins	Miller of Jones	Stevens of
Beatty	Hush	Mullaney	Decatur
Bennett	Husted	Nelson	Stevens of
Booth	Irwin	Patterson	Wapello
Byers	Kimberly	Pendray	Topping
Calhoun	Klemme	Reese	Tripp
Chrystal	Leo	Ritchie	Wenner
Coykendall	McArthur	Roelofs	Wilson
Doze	Meyer		

Nays, none.

Absent or not voting, 11.

Baldwin	Fisch	Hill	Schmidt
Carden	Frailey	Knudson	Valentine
Elthon	Hicklin	Moore	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Shangle, Senate File 10, a bill for an act to amend section fifty one hundred twenty-six (5126) of the Code, 1931, relating to compensation of County Supervisors, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

The following committee amendment was considered:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. Committee work is hereby defined to mean any business germane to the office of the Board of Supervisors that by action duly taken and recorded upon the minutes of the Board has been specifically referred to a part of the Board as a committee either with power to act or with instructions to report back to the full Board for its approval or disapproval.

Senator Beardsley moved the previous question, which motion prevailed.

The amendment was lost.

Senator Hush offered the following amendment and moved its adoption:

Amend Section One (1) by striking all of lines three (3), four (4) and five (5) and the word "also" in line six (6).

The amendment was adopted.

Senator Shangle moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 1.

Shangle

Nays, 39.

Anderson	Beatty	Byers	Doze
Baldwin	Bennett	Calhoun	Geske
Beardsley	Booth	Coykendall	Harrington

Hill	McArthur	Patterson	Stevens of
Hopkins	Meyer	Pendray	Wapello
Hush	Miller of	Reese	Topping
Husted	Buchanan	Ritchie	Tripp
Irwin	Miller of Jones	Roelofs	Wenner
Klemme	Moore	Stanley	Wilson
Knudson	Mullaney	Stevens of	
Leo	Nelson	Decatur	

Absent or not voting, 10.

Aschenbrenner	Elthon	Hicklin	Schmidt
Carden	Fisch	Kimberly	Valentine
Chrystal	Frailey		

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

On motion of Senator Tripp, Senate File 38, a bill for an act to repeal section one thousand sixty six-a1 (1066-a1) of the 1931 Code of Iowa, relating to bond of County Treasurer, and to enact a substitute therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Tripp moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 5.

Harrington	Stevens of	Topping	Tripp
Irwin	Wapello		

Nays, 24.

Anderson	Hopkins	Miller of	Pendray
Aschenbrenner	Hush	Buchanan	Reese
Baldwin	Husted	Miller of Jones	Ritchie
Booth	Klemme	Moore	Shangle
Coykendall	Knudson	Mullaney	Wenner
Doze	Meyer	Patterson	Wilson
Elthon			

Absent or not voting, 21.

Beardsley	Chrystal	Kimberly	Schmidt
Beatty	Fisch	Leo	Stanley
Bennett	Frailey	McArthur	Stevens of
Byers	Geske	Nelson	Decatur
Calhoun	Hicklin	Roelofs	Valentine
Carden	Hill		

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

By unanimous consent, on motion of Senator Knudson, Senate File 243, a bill for an act to amend section ten (10) of chapter thirty (30) of the Laws of the Forty-fifth General Assembly to provide for an increase in license fees to provide adequate funds to make possible the development of the Iowa Twenty-five Year Conservation Program, with report of committee recommending passage, a fish and game committee bill, was taken up, considered, and the report of the committee adopted.

Senator Knudson called up for consideration the following amendment filed by the fish and game committee and moved its adoption:

Amend by striking the figures "\$1.00" from line 7 of Section 1 and inserting in lieu thereof "\$2.00"; further amend by inserting after line 7 the following, "All persons legal residents of the state under 16 years of age.....\$1.00"; and further amend by striking from line 13 of said section the figures "1.75" and substituting in lieu thereof "\$2.50".

Further amend Senate File 243 by adding following Section 1 the following:

"Sec. 2. Section ten (10) of chapter thirty (30) of the Acts of the Forty-fifth General Assembly is amended by adding thereto the following:

'During the years 1934 to 1938 inclusive, the Commission shall set aside from each \$2.00 resident hunting license, the sum of \$1.50, and from each \$2.50 resident combination license, the sum of \$1.00, which amounts shall be expended by the Commission prior to the first day of January, 1940, for acquisition, establishment, and maintenance of public shooting grounds, acquisition and restoration of marsh and lake areas suitable for breeding areas for migratory wild fowl, establishment and improvement of upland game refuges and producing areas and game management areas, and development of new lakes and improvement of present lakes.'"

Also further amend by renumbering Sec. 2 as Sec. 3.

Senator Ritchie moved the previous question, which motion prevailed.

The amendment was adopted.

The bill was read for information.

Senator Knudson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 32.

Anderson	Bennett	Chrystal	Harrington
Aschenbrenner	Booth	Doze	Hopkins
Baldwin	Byers	Elthon	Husted
Beatty	Calhoun	Geske	Kimberly

Klemme	Miller of	Reese	Stevens of
Knudson	Buchanan	Ritchie	Wapello
Leo	Moore	Roelofs	Topping
McArthur	Patterson	Shangle	Tripp
	Pendray		Wilson

Nays, 7.

Coykendall	Meyer	Mullaney	Stevens of
Irwin	Miller of Jones	Stanley	Decatur

Absent or not voting, 11.

Beardsley	Frailey	Hush	Valentine
Carden	Hicklin	Nelson	Wenner
Fisch	Hill	Schmidt	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Knudson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

SENATE FILES 130, 164, 166 AND 145 ON THE CALENDAR

Under rule 35, Senator Mullaney called Senate File 145 from the committee on highways and placed it on the calendar.

Under rule 35, Senator Wenner called Senate Files 130, 164 and 166 from the committees on public schools, emergency legislation and judiciary No. 1, respectively, and placed them on the calendar.

Senator Roelofs moved that the journal be held until tomorrow noon in order to permit the filing of amendments to House File 1.

The motion prevailed.

By unanimous consent, on request of Senator Knudson, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File 277, by committee on insurance, a bill for an act to amend sections eighty-seven hundred thirty-seven (8737), eighty-eight hundred twenty-nine (8829), and eighty-nine hundred twenty-seven (8927) of the Code, 1931, authorizing the investment of funds by all insurance companies and associations in bonds of the Federal Home Loan Banks and bonds of Home Owners' Loan Corporation.

Read first and second times and placed on the calendar.

The journal of January 25th was corrected and approved.

AMENDMENTS FILED

Amend House File 1 by adding after the comma following the figures "1934", line 2 of Sec. 38 the following: "and ending December 31, 1935."

G. W. PATTERSON.

Amend House File 1 by striking Sec. 38 and inserting in lieu thereof the following:

"Sec. 38. Tax imposed. There is hereby imposed a tax upon the gross receipts from all sales of tangible personal property, consisting of goods, wares, or merchandise, except as otherwise provided in this division, sold at retail in the state of Iowa to consumers or users, determined by computing the tax on the amount of gross sales as follows:

"(a) On the first twenty-five thousand dollars of gross sales, or any part thereof, one-half per cent ($\frac{1}{2}\%$).

"(b) On the next twenty-five thousand dollars of gross sales, or any part thereof, one per cent (1%).

"(c) On the next fifty thousand dollars of gross sales, or any part thereof, one and one-half per cent ($1\frac{1}{2}\%$).

"(d) On all gross sales in excess of one hundred thousand dollars, two per cent (2%); and a rate of two per cent (2%) tax upon the gross receipts from the sales, furnishing or service of gas, electricity, water and communication service, including the gross receipts from such sales by any municipal corporation furnishing gas, electricity, water and communication service to the public in its proprietary capacity, except as otherwise provided in this division, when sold at retail in the state of Iowa to consumers or users; and a like rate of tax upon the gross receipts from all sales of tickets or admissions to places of amusement and athletic events, except as otherwise provided in this division.

"For the purposes of this subsection, every person, firm, corporation, municipal corporation, association, partnership or agency whatsoever operating in whole or in part any store, stores or places of sale or distribution in this state, for the purpose of selling at retail any tangible personal property, or electrical energy, manufactured and natural gas, straight or mixed, water or heat, and all petroleum products, crude and/or refined, except motor vehicle fuel; to consumers or users thereof, shall be considered as a single unit for the collection of taxes under this act, and the rates as provided in this act shall be applied upon the entire volume of all sales made by any such retailer, or retailers, through all retail establishments or places of business, under the management or control, in whole or in part, of such retailer, or retailers.

"The tax herein levied shall be computed and collected as hereinafter provided."

WM. S. BEARDSLEY.

Amend House File 1 by adding after subsection five (5) of section nine (9) as subsection six (6) of section nine (9) the following:

"6. Earnings of real estate situated in Iowa and/or personal property

taxed in Iowa at the same rate as real estate. For the purpose of deduction the annual earnings of such real estate and/or personal property shall be computed as being five per cent (5%) of the taxable value of such property. Provided, however, the deduction of earnings herein allowed shall not exceed two thousand five hundred dollars (\$2,500.00) for any taxpayer in any year."

Renumber the remaining subsections of section nine (9).

F. M. BEATTY.

Amend House File 1, by striking from Division IV, section thirty-eight (38) the following;—Beginning with the word "There" in the first line of said section and ending with the word "division" being the last word in the first paragraph of said section thirty-eight, in line —, and inserting in lieu thereof the following:

"1. There is hereby imposed, beginning the first day of April, 1934, a retail sales tax, at the rates hereinafter fixed, upon the gross receipts of all sales of tangible personal property, consisting of goods, wares, or merchandise, except as otherwise provided in this Division, sold at retail in the State of Iowa to consumers or users, which retail sales tax shall be levied, computed and collected as hereinafter provided, according to the following rates:

"(a) Up to \$75,000 of annual gross retail sales, or any part thereof, one per cent (1%).

"(b) From \$75,000 to \$150,000 of annual gross retail sales, or any part thereof, one and one half per cent (1½%).

"(c) On all annual gross retail sales in excess of \$150,000, two per cent (2%).

"2. For the purposes of this Act, every person, firm, corporation, association, partnership, or agency whatsoever, operating in whole or in part, any store or stores in the state, for the purpose of selling at retail any tangible personal property consisting of goods, wares or merchandise, to consumers or users, shall be considered as a single unit for the collection of taxes under this Act, and the rates provided in this Act shall be applied upon the entire volume of all sales made by any such retailer through all retail establishments under the management or control of such retailer. The State Board shall provide for joint returns from the retailer in all cases where more than one retail agency or store is under the same general management, supervision, ownership or control.

"3. There is also hereby imposed a tax of two per cent (2%) upon the gross receipts from the sales, furnishing or service of gas, electricity, water and communication service, including the gross receipts from such sales by any municipal corporation furnishing gas, electricity, water, communication service and all general services sold to the public in its proprietary capacity, except as otherwise provided in this division, when sold at retail in the state of Iowa to consumers or users.

"4. There is also hereby imposed a tax of two per cent (2%) upon the gross receipts from all sales of tickets or admissions to all places of amusement, recreation or entertainment for which an admission is charged, except as otherwise provided in this Division, which tax shall be effective on and after April 1, 1934."

ROY E. STEVENS.

Amend House File 1, as amended, page 31, Section 29, line 4, by adding after the comma (,) following the word "national" the following: "private."
ORA E. HUSTED.

Amend the title of House File 292 by striking out the word "temperance" in line 1, and inserting in lieu thereof the words "the sale of liquor".
GEO. M. HOPKINS.

Amend Substitute for Senate File 150 by striking subsection 1, lines three (3) and four (4), of section 65 and renumbering remaining subsections.

Amend by striking all of sections sixty-six (66) and sixty-seven (67) and renumbering the remaining sections.

Amend by inserting after Section 87 the following:

"Sec. 88. Nothing in this act shall affect the purchase or use of sacramental wines to be used exclusively for sacramental purposes."

Renumber remaining sections.

V. F. HARRINGTON.

Senator Roclofs moved that the Senate adjourn until 10:00 a. m. Monday.

Senator Patterson moved to amend by making the time 10:00 a. m. Saturday.

Senator Topping as a substitute moved that the Senate adjourn until 9:45 a. m. Monday.

Division of the vote was called for.

The substitution was made.

The substituted motion prevailed and the Senate adjourned until 9:45 a. m. Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 29, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Philip L. Shutt, lay-reader St. James Episcopal Church of Independence.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring tax on chain stores. Senator Leo from business men of Benton and Tama counties. Cities and towns.

Opposing present state prohibition law. Senator Irwin from voters of Des Moines. Liquor control.

Opposing proposed tax bill. Senator Irwin from voters of Des Moines. Tax revision and reorganization.

Favoring House File 228 relative to establishing hydro-electric power plants. Senator Hicklin from executive committee of the Local Union No. 251 of International Typographical Union, Muscatine. Public utilities.

CONSIDERATION OF HOUSE FILE 1 SPECIAL ORDER

There being a call on file, roll call revealed the presence of all members of the Senate except Senators Anderson, Bennett, Fisch, Frailey, Knudson, Reese, and Schmidt.

Senator Fisch had been previously excused for an indefinite period.

Senator Booth moved that the Senate proceed with other business than the special order until noon, and that the absent Senators be excused until that time.

The motion prevailed.

THIRD READING OF BILLS

On motion of Senator Ritchie Senate File 100, a bill for an act to regulate the sale of substitutes for lard as defined herein, by providing an inspection fee and excise tax and the manner in which said fee and tax shall be paid, and providing the means and manner of the administration and enforcement thereof by the Secretary of Agriculture, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

The following committee amendments were considered:

1. Amend section six (6) of the bill by striking from lines four (4) and five (5) the following: “, said refund to be paid from the proceeds from the sale of stamps in the hands of the Secretary of Agriculture”.

2. Further amend said bill by striking all of section eight (8) and inserting in lieu thereof the following:

“Sec. 8. The Secretary of Agriculture shall enforce the provisions of this act and shall on the first day of each month, transfer and pay to the treasurer of state for use and benefits of the general fund of the state the funds collected under the provisions of this act and in his hands, on said dates.”

3. Also amend said bill by adding the following section:

“Sec. 9. There is hereby appropriated, until July 1, 1935, from any funds in the state treasury not otherwise appropriated, a sum sufficient to enforce the provisions of this act.”

The amendments were adopted.

Senators Frailey, Irwin and Byers offered the following amendment and moved its adoption:

Amend by inserting a comma (,) after the word “lard” in line three (3) of section two (2), and inserting the words “except corn oil or any product derived therefrom”, also amend line one (1) of Section three (3) by inserting a comma (,) after the word “lard” and inserting “except as stated”.

The amendment was adopted.

Senator Byers raised the point that the committee amendment adopted carried an appropriation and should be referred to the appropriations committee.

Senator Ritchie moved that the bill be referred to the committee on appropriations.

The motion prevailed.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, Senate File 105 and House Files 116 and 210.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate File 105 and House Files 116 and 210.

REPORT OF COMMITTEE

Senator Byers submitted the following report:

MR. PRESIDENT: Your committee on motor vehicles to which was referred House File 185, a bill for an act to amend, revise and codify chapter 251-A1 Code, 1931, chapters 75 and 86, 45th General Assembly relating to collection of license fees on motor vehicle fuel used or otherwise disposed of in Iowa and to otherwise control and to provide payment and collection of license fees, begs leave to report it has had the same under consideration and returns the bill without recommendation.

FRANK C. BYERS, *Chairman.*

Ordered passed on file.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 29th day of January, 1934, sent to the Governor for his approval, Senate File 105.

HOMER HUSH, *Chairman.*

Passed on file.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 268, a bill for an act with reference to financing the cost of swimming pools by cities under the commission form of government.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 177, a bill for an act to make an appropriation to Violet Bencke, Nellie Powers and Opal McGarvey.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 148, a bill for an act to make an appropriation to Mercy Hospital of Oelwein, Iowa.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 246, a bill for an act relating to the issuing of bonds by the Consolidated School District of Whiting, in the County of Monona, State of Iowa, and the proceedings providing for the levying of an annual tax for the payment of said bonds.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 209, a bill for an act relating to the powers of the Board of Education in regard to inventions of students, instructors and officials.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 321, a bill for an act making an appropriation to the Ft. Madison Coal & Coke Co., Harry Harding, LaVerne Harding, and others.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 320, a bill for an act making an appropriation to Doctor F. C. Shadt.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 318, a bill for an act making an appropriation to Mrs. Etta Rock.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 312, a bill for an act to make an appropriation to Mrs. E. A. Brigham and Milton W. Strickler.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 311, a bill for an act to make an appropriation to H. F. Howard.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 310, a bill for an act to make an appropriation to Honorable Victor Felter, as trustee.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 309, a bill for an act to make an appropriation to H. C. Shaw.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 308, a bill for an act to make an appropriation to Amos Hilton.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 307, a bill for an act to make an appropriation to C. R. Piercy.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 299, a bill for an act to make permanent the transfer of ten thousand dollars from the Secondary Road Construction Fund to the Poor Fund in Taylor County, Iowa.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 275, a bill for an act making an appropriation to James Berry and Tolbert Moore.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 274, a bill for an act to make an appropriation to Ralph Almkvist.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE FILE 112 SPECIAL ORDER

Senator Hicklin moved that House File 112 be made a special order of business immediately following disposition of the liquor control bills.

The motion prevailed.

THIRD READING OF BILLS

By unanimous consent, in the absence of Senator Frailey and on the motion of Senator McArthur, House File 8, a bill for an act to legalize action of the Board of Supervisors of Lee County, Iowa, in making expenditures from the Lee County Insane Fund for the purpose of paying the expenses and maintenance of the Lee County Home, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator McArthur moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Anderson	Elthon	Knudson	Ritchie
Aschenbrenner	Geske	Leo	Roelofs
Baldwin	Hicklin	McArthur	Shangle
Beardsley	Hill	Meyer	Stanley
Beatty	Hopkins	Miller of	Stevens of
Booth	Hush	Buchanan	Decatur
Calhoun	Husted	Miller of Jones	Topping
Carden	Irwin	Mullaney	Valentine
Chrystal	Kimberly	Nelson	Wenner
Doze	Klemme	Pendray	

Nays, none.

Absent or not voting, 13.

Bennett	Frailey	Patterson	Stevens of
Byers	Harrington	Reese	Wapello
Coykendall	Moore	Schmidt	Tripp
Fisch			Wilson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hopkins Senate File 147, a bill for an act to make an appropriation to Mrs. B. Cole, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Ritchie offered the following amendment and moved its adoption:

Amend sections 1 and 2 by striking therefrom the words and figures "one hundred fifty dollars (\$150.00)" wherever they appear and inserting in lieu thereof the words and figures "seventy-five dollars (\$75.00)"; also amend by striking from sections 1 and 3 the words and figures "three hundred dollars (\$300.00)" and inserting in lieu thereof the words and figures "one hundred fifty dollars (\$150.00)".

The amendment was lost.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 18.

Anderson	Chrystal	Kimberly	Nelson
Aschenbrenner	Elthon	McArthur	Pendray
Bennett	Geske	Miller of Jones	Reese
Calhoun	Hill	Mullaney	Stanley
Carden	Hush		

Nays, 19.

Booth	Knudson	Shangle	Topping
Byers	Leo	Stevens of	Tripp
Doze	Meyer	Decatur	Valentine
Hopkins	Miller of	Stevens of	Wenner
Husted	Buchanan	Wapello	Wilson
Klemme	Ritchie		

Absent or not voting, 13.

Baldwin	Fisch	Hicklin	Patterson
Beardsley	Frailey	Irwin	Roelofs
Beatty	Harrington	Moore	Schmidt
Coykendall			

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

Senator Hopkins moved that the vote by which the bill failed to pass the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

SENATE AMENDMENTS TO HOUSE FILE 97

Senator Pendray moved that the Senate insist on its amendments to House File 97.

On the question "Shall the Senate insist?" the vote was:

Ayes, 35.

Anderson	Elthon	Meyer	Shangle
Aschenbrenner	Geske	Miller of	Stanley
Baldwin	Hopkins	Buchanan	Stevens of
Beardsley	Husted	Miller of Jones	Decatur
Bennett	Kimberly	Mullaney	Topping
Booth	Klemme	Pendray	Tripp
Byers	Knudson	Reese	Valentine
Carden	Leo	Ritchie	Wenner
Chrystal	McArthur	Roelofs	Wilson
Doze			

Nays, none.

Absent or not voting, 15.

Beatty	Frailey	Hush	Patterson
Calhoun	Harrington	Irwin	Schmidt
Coykendall	Hicklin	Moore	Stevens of
Fisch	Hill	Nelson	Wapello

The motion to insist prevailed.

CONFERENCE COMMITTEE ON HOUSE FILE 97

The President appointed as Senate members of the conference committee on House File 97, Senators Miller of Buchanan, Elthon, Calhoun, and Pendray.

THIRD READING OF BILLS

On motion of Senator Byers Senate File No. 220, a bill for an act to amend Sections Forty-nine hundred sixty-d twenty-nine (4960-d29), and Forty-nine hundred sixty-d forty-five (4960-d45), Code, 1931, relating to operators' and chauffeurs' license law, a motor vehicles committee bill, was taken up and considered.

The bill was read for information.

Senator Hicklin offered the following amendment and moved its adoption:

Amend by striking section 1 and renumbering the remaining sections.

The amendment was adopted.

Senator Byers offered the following amendment and moved its adoption:

Amend section 1 by inserting in line 15 after the word "issue" the word "a".

The amendment was adopted.

Senator Byers moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 8.

Anderson
Byers
Chrystal

Coykendall
Geske
Hicklin

Miller of
Buchanan

Reese

Nays, 34.

Aschenbrenner
Baldwin
Beardsley
Beatty
Bennett
Booth
Calhoun
Carden
Doze

Elthon
Hill
Hopkins
Hush
Husted
Irwin
Kimberly
Klemme
Leo

McArthur
Meyer
Miller of Jones
Moore
Mullaney
Patterson
Pendray
Ritchie
Roelofs

Shangle
Stanley
Stevens of
Decatur
Topping
Tripp
Wenner
Wilson

Absent or not voting, 8.

Fisch
Frailey

Harrington
Knudson

Nelson
Schmidt

Stevens of
Wapello
Valentine

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

By unanimous consent, on request of Senator Hopkins, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File 278, by committee on claims, a bill for an act to make an appropriation to Viva Thackrey, Coleman Hospital, Doctors G. H. West and C. H. Miller, Fred J. Sternborg and Fred J. Sternborg, trustee.

Read first and second times and referred to committee on appropriations.

Senate File 279, by committee on claims, a bill for an act to make an appropriation to D. F. Wolfe.

Read first and second times and referred to committee on appropriations.

Senate File 280, by committee on claims, a bill for an act to make an appropriation to the Secretary of War.

Read first and second times and referred to committee on appropriations.

HOUSE MESSAGES CONSIDERED

House File 209, a bill for an act to amend Section Thirty-nine hundred and twenty-one (3921), Code, 1931, relating to the powers of the Board of Education in regard to inventions of students, instructors and officials.

Read first and second times and referred to committee on judiciary No. 2.

House File 274, a bill for an act to make an appropriation to Ralph Almkuist.

Read first and second times and referred to committee on appropriations.

House File 275, a bill for an act to make an appropriation to James Berry and Tolbert Moore.

Read first and second times and referred to committee on appropriations.

House File 299, a bill for an act to make permanent the transfer of ten thousand dollars (\$10,000), from the Secondary Road Construction Fund, to the Poor Fund in Taylor County, Iowa.

Read first and second times and referred to committee on judiciary No. 2.

House File 307, a bill for an act to make an appropriation to C. R. Piercy.

Read first and second times and referred to committee on appropriations.

House File 308, a bill for an act to make an appropriation to Amos Hilton.

Read first and second times and referred to committee on appropriations.

House File 309, a bill for an act to make an appropriation to H. C. Shaw.

Read first and second times and referred to committee on appropriations.

House File 310, a bill for an act to make an appropriation to Honorable Victor Felter, as trustee.

Read first and second times and referred to committee on appropriations.

House File 311, a bill for an act to make an appropriation to H. D. Howard.

Read first and second times and referred to committee on appropriations.

House File 312, a bill for an act to make an appropriation to Mrs. E. A. Brigham and Milton W. Strickler.

Read first and second times and referred to committee on appropriations.

House File 318, a bill for an act to make an appropriation to Mrs. Etta Rock.

Read first and second times and referred to committee on appropriations.

House File 320, a bill for an act to make an appropriation to Doctor F. C. Schadt.

Read first and second times and referred to committee on appropriations.

House File 321, a bill for an act to make appropriations to Fort Madison Coal and Coke Company, Harry Harding, LaVerne Harding, Clyde Fee, The Electrical Store, Jensen-Dunn Company, Standard Seed Company, Reformatory for Men at Anamosa, Yates American Machine Company, H. J. Nazett, W. H. Frazier, Warden, and T. H. Metfessel.

Read first and second times and referred to committee on appropriations.

On motion of Senator Shangle, the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

The journal of January 26th was corrected and approved.

SPECIAL MESSAGE FROM THE GOVERNOR

MR. PRESIDENT, MR. SPEAKER, SENATORS AND REPRESENTATIVES OF THE FORTY-FIFTH GENERAL ASSEMBLY:

I feel it my duty to in this manner call to your immediate attention to a situation which has this morning been presented to me by a representative of the Federal Emergency Relief Administration at Washington.

Since January, 1933, the federal government has advanced, in one form or another, to Iowa for the relief of unemployed and destitute people, over ten millions of dollars. Iowa, up until this time has as a state made no contribution to this fund. Every state in this middle western section has made appropriations in varying amounts. Missouri and Colorado delayed until the federal administration ordered federal funds discontinued. It certainly is not the wish of this Legislature that similar action should be taken against Iowa. I, therefore, urge that the Appropriations Committees of the Senate and House immediately appropriate for the use of the Federal Emergency Relief Administration for Iowa to be administered under the same regulations as now govern distribution of federal funds, the sum of three million dollars. The revenue to cover such appropriation to come from such future legislation as this General Assembly deems wise.

Respectfully submitted,

CLYDE L. HERRING, *Governor.*

Senator Hush moved that the Senate recess while awaiting a report of the committee on appropriations.

The motion prevailed.

By unanimous consent, on request of Senator Leo, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File 281, by committee on appropriations, a bill for an act to make an appropriation for direct relief and/or work relief and expenses incidental thereto for the purpose of caring for the unemployed and needy.

Read first and second times.

By unanimous consent, on request of Senator Leo, the rules were suspended by which no bill may be read the second and third times on the same day.

THIRD READING OF BILLS

On motion of Senator Leo, Senate File 281, a bill for an act to make an appropriation for direct relief and/or work relief and expenses incidental thereto for the purpose of caring for the unemployed and needy, an appropriations committee bill, was taken up and considered.

The bill was read for information.

Senator Patterson moved that action be deferred and that Senate File 281 be made a special order for 10:30 a. m. Tuesday.

The motion prevailed.

HOUSE FILE 1 CONSIDERED

There being a call of the Senate on file, the roll call revealed the presence of all members of the Senate except Senators Fisch and Schmidt.

Senator Fisch had been, previously, indefinitely excused.

Senator Hicklin moved that Senator Schmidt be excused for the day.

The motion prevailed and the call was declared complete.

Senator Beatty offered the following amendment and moved its adoption:

Amend by adding after subsection five (5) of section nine (9) as subsection six (6) of section nine (9) the following:

"6. Earnings of real estate situated in Iowa and/or personal property taxed in Iowa at the same rate as real estate. For the purpose of deduction the annual earnings of such real estate and/or personal property shall be computed as being five per cent (5%) of the taxable value of such

property. Provided, however, the deduction of earnings herein allowed shall not exceed two thousand five hundred dollars (\$2,500.00) for any taxpayer in any year."

Renumber the remaining subsections of section nine (9).

Roll call was demanded.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 29.

Anderson	Harrington	Meyer	Stevens of
Aschenbrenner	Hicklin	Miller of	Wapello
Baldwin	Hill	Buchanan	Topping
Beardsley	Hopkins	Moore	Tripp
Beatty	Husted	Mullaney	Valentine
Bennett	Irwin	Patterson	Wenner
Booth	Klemme	Reese	Wilson
Carden	Leo	Shangle	

Nays, 19.

Byers	Elthon	Knudson	Ritchie
Calhoun	Frailey	McArthur	Roelofs
Chrystal	Geske	Miller of Jones	Stanley
Coykendall	Hush	Nelson	Stevens of
Doze	Kimberly	Pendray	Decatur

Absent or not voting, 2.

Fisch

Schmidt

The amendment was adopted.

Senator Stevens of Wapello moved that the vote by which the amendment was adopted be reconsidered and the motion to reconsider be laid on the table.

Senator Patterson as a substitute moved to reconsider the vote by which the amendment was adopted.

The President ruled that the motion by Senator Patterson was out of order.

Senator Wilson moved to adjourn until 10:00 a. m., Tuesday.

Senator Stevens of Wapello withdrew his motion, after securing the unanimous consent of the Senate to do so.

Senator Frailey raised the point of order that the discussion was out of order as there was a motion to adjourn before the Senate.

The President held the point well taken.

Senator Wilson asked that his motion to adjourn be withheld.

MOTION TO RECONSIDER FILED

I move to reconsider the vote by which the amendment by Senator F. M. Beatty, found on page 834 of the Senate Journal, passed the Senate.

G. W. PATTERSON.

JOHN K. VALENTINE.

REPORT OF COMMITTEE

Senator Leo submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred Senate File 276, a bill for an act to revise and modernize the military laws of the State of Iowa, begs leave to report it has had the same under consideration and recommends the same be amended and when so amended the same do pass.

Amend by striking Sec. 48.

RICHARD V. LEO, *Chairman*.

Ordered passed on file.

AMENDMENTS FILED

Amend Senate File 100, Section seven (7) by striking from lines two (2) and three (3) the following: ", or any rule or regulation prescribed by the Secretary of Agriculture,".

EDW. J. WENNER.

Amend Senator Patterson's amendment to House File 1, line 2 of Sec. 38, by striking the words "section 38", and substituting in lieu thereof, "section 5".

MORRIS MOORE.

Amend House File 1 as follows:

1. Amend Division II, Section Four (4), Paragraph Three (3) by inserting a period after the word "year" in line one (1) and striking rest of said paragraph.

2. Amend Division II, Section Four (4), Paragraph Four (4) by striking from lines ten (10) and eleven (11) the words "or the fiscal year ending during such calendar year,".

3. Further amend Division II, Section Four (4) by striking out all of Paragraph Five (5).

4. Further amend Division II, Section Four (4) by adding as Paragraph Thirteen (13) the following:

"Par. 13. The term "self-supporting individual" means any single or unmarried person who during the taxable year had a net income as provided in this Act of \$300.00 and any husband or wife that is the head of a family who during the taxable year had a net income as provided in this Act of \$600.00."

5. Amend Division II, Section Twelve (12) by striking all of Paragraph One (1) and insert in lieu thereof the following: "All individuals who are not self-supporting as defined in this Act are exempted from making any returns or paying any tax under the provisions of this Act."

6. Amend Division II, Section Thirteen (13) Paragraph one (1) line one (1) by inserting after the word "every" the words "self-supporting" and further amend by striking out lines two (2), three (3), four (4) and five (5) and all that part of line six (6) preceding the word "shall".

7. Amend Division II, Section Sixteen (16) by striking out all of Paragraph one (1) after the period in line five (5). L. T. SHANGLE.

Amend House File 1 as follows:

Amend Division II, Section Five (5) by changing the comma after the parenthesis in line fifteen (15) sub-section (e) to a period: strike out the remainder of line fifteen (15) and all of line sixteen (16) and insert the following:

"(f) On the sixth thousand dollars of taxable income, or any part thereof, six per cent (6%).

"(g) On the seventh thousand dollars of taxable income, or any part thereof, seven per cent (7%).

"(h) On the eighth thousand dollars of taxable income, or any part thereof, eight per cent (8%), and on all taxable income in excess of eight thousand dollars ten per cent (10%)."

Renumber lines seventeen (17) and eighteen (18) to comply with this amendment.

Amend Division IV, Section Forty-One a (41-a) line one (1) by striking out the word "may" and insert in lieu thereof the word "shall". (By request.) L. T. SHANGLE.

Amend House File 1 as follows:

Amend Section 22, line twenty-eight (28), by inserting after the word "book" the following: "and shall forthwith record said lien in the manner provided for recording real estate mortgages."

Also, strike line twenty-nine (29) of said Section 22, and insert in lieu thereof, the following: "lien shall be effective from the time of the indexing thereof."

Further amend Section 22 of House File 1, by inserting a new sentence after line twenty-nine (29), as follows: "The Board shall pay a recording fee as provided in Section fifty one hundred seventy-seven (5177), Code, 1931, for the recording of such lien, or the satisfaction thereof."

E. R. HICKLIN.

Amend House File 1, Section 41-a, by striking the word "may" in line one (1) and inserting in lieu thereof the words: "shall, as far as practicable,".

EDW. J. WENNER.

H. C. BALDWIN.

M. MOORE.

RICHARD V. LEO.

PAUL H. ANDERSON.

O. P. BENNETT.

C. H. TOPPING.

E. R. HICKLIN.

GEO. A. WILSON.

ROY E. STEVENS.

WILLIAM CARDEN.

LEO ELTHON.

LAFF HILL.

M. X. GESKE.

L. H. MEYER.

FRANK M. STEVENS.

T. W. MULLANEY.

L. T. SHANGLE.

CARL ASCHENBRENNER.

CLAUDE STANLEY.

CHAS. D. BOOTH.

FRANK C. BYERS.

W. F. MILLER.

WM. MCARTHUR.

VINCENT HARRINGTON.

CAROLYN C. PENDRAY.

G. E. ROELOFS.

CHRIS REESE.

HOMER HUSH.

J. E. DOZE.

D. W. KIMBERLY.
H. D. MILLER.
WM. H. KLEMME.

J. R. FRAILEY.
ORA E. HUSTED.

Amend House File 1 by striking all of Section sixty-one (61), and lines one (1) to forty (40) inclusive, of Section sixty-two (62) and insert in lieu thereof the following:

"Sec. 61. Out of all revenue arising under the operation of this act and carried by the county treasurers and by the treasurer of state in the special tax fund, there shall be paid the following items of state, county, and public school expense:

(a) All items of general expense of the state government authorized and appropriated for by the General Assembly.

(b) Salaries of all county officers where the annual salary and employment is fixed by statute.

(c) All other county expenditures or appropriations required by law where the amount and condition precedent to payment does not lie within the discretion of the Board of Supervisors.

(d) To the public school system of the State all additional revenue arising under the operation of this act.

The State Board shall apportion to the several school corporations of the state the funds above provided for in the proportion that the total number of youths subject to enumeration in such school corporations, as shown by the last preceding school census, bears to the total number of such youths in the state as shown by such last preceding school census."

Renumber paragraph "4" of Section sixty-two (62) as "Sec. 62."

EDW. J. WENNER.

Amend House File 1 by striking subsection Four (4) of Section Sixty-two (62).
HOMER HUSH.

Senator Wilson renewed his motion to adjourn.

The motion prevailed and the Senate adjourned until 10:00 a. m., Tuesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 30, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Edmund L. Marousek, minister of the First Presbyterian Church of Jefferson.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring increase in restaurant license fees. Senator Knudson from restaurant owners of Eagle Grove, Clarion and Goldfield. Public health.

Favoring passage of old age pension bill. Senator Frailey from members of Mary Harlan Tent No. 19, Daughters of Union Veterans. Judiciary No. 2.

Favoring tax on chain stores. Senator Knudson from voters of Hamilton and Hardin counties. Cities and towns.

Favoring Senate File 55. Senator Knudson from Goldfield Community Club. Agriculture.

Endorsing Senate File 228 relative to establishing hydro-electric power commission. Senator Wenner from town council of Hudson. Public utilities.

Favoring gross income tax bill. Senator Knudson from voters of Hamilton county. Tax revision and reorganization.

INTRODUCTION OF BILLS

Senate File 282 by committee on motor vehicles, a bill for an act to repeal section four (4) of House File No. 160 (approved January 23, 1934) of the Acts of the Forty-fifth General Assembly in extraordinary session, relating to the refunds of overpayments of

motor vehicle license fees, and to enact a substitute for said section four (4).

Read first and second times and placed on the calendar.

Senate File 283, by committee on cities and towns, a bill for an act to authorize certain cities acting under the commission form of government to take title to privately owned armories, to assume the indebtedness existing against said armories and to finance such indebtedness by the issuance of the bonds of the city; also to pledge the yearly net rentals of such armories to the payment of such bonds and the interest thereon.

Read first and second times and placed on the calendar.

Senate File 284, by committee on cities and towns, a bill for an act to amend section sixty-nine hundred fifty-nine (6959), Code, 1931, as amended by chapter one hundred nineteen (119) of the Acts of the Forty-fifth General Assembly, relating to the assessment of real estate.

Read first and second times and placed on the calendar.

REPORT OF SPECIAL COMMITTEE ON EMERGENCY RELIEF

MR. PRESIDENT: Your committee appointed by the President of the Senate and the Speaker of the House to make recommendations for raising funds for relief purposes in the State of Iowa hereby make the following report:

In a conference with E. H. Mulock, State Administrator of Relief Funds, we were advised of the situation with reference to unemployment relief as it exists in the State of Iowa, and your committee reached the conclusion that the need for relief at this time is imperative. The situation as it exists in the State of Iowa, is presented in a letter dated January 19, 1934, addressed to Representative John H. Mitchell, a copy of which letter was placed on the desk of each member of the Legislature on January 24, and subsequently printed in the journals of the House and Senate.

We have secured an opinion from the Attorney General which indicates that funds for unemployment relief must be provided for by way of an appropriation by this Extra Session of the Forty-fifth General Assembly. This opinion of the Attorney General is contained in the pamphlet above referred to and printed in the journals of the House and Senate.

Your committee further reports that all grants from the Federal Emergency Relief Administration are made on a basis of "one to three", one dollar from the Federal Administration for every three dollars raised in Iowa. We are advised that the Federal Administration will discontinue aid and assistance unless an appropriation, as suggested in the preceding paragraph, is provided.

Giving full credit to CWA and PWA it is estimated by the Emergency Relief Administration in Iowa that at least three million dollars (\$3,000,000) will be required for this relief in Iowa and your committee feels that the revenues out of any new tax bill up to the amount of three million dollars (\$3,000,000) should be used for the purpose of taking care of the appropriation.

Your committee therefore recommends that the first three million dollars (\$3,000,000) derived from any new taxes to be enacted by this Extra Session of the General Assembly should be allocated to the general fund of the State of Iowa to meet this emergency relief appropriation.

Dated this 30th day of January, 1934.

G. W. PATTERSON,
FRANK I. COYKENDALL,
VINCENT F. HARRINGTON,
On the part of the Senate.

JOHN H. MITCHELL,
ADA GARNER,
MARION BRUCE,
On the part of the House.

The report was accepted and the committee discharged.

By unanimous consent, on request of Senator Frailey, he was granted permission to introduce the following resolution, and moved its adoption:

SENATE CONCURRENT RESOLUTION NO. 8.

Be It Resolved by the Senate, the House Concurring: On this, the fifty-second anniversary of his birth, we congratulate the President. We wish him many more years of health, happiness and accomplishment.

Be It Further Resolved, That the Secretary of the Senate and the Clerk of the House transmit by wire to the President this Resolution and later transmit to him an engrossed copy thereof.

The resolution was unanimously adopted.

By unanimous consent, on request of Senator Frailey, the resolution was messaged to the House immediately.

SPECIAL ORDER OF SENATE FILE 281 RESUMED

Action on Senate File 281 was deferred as shown on page 847 of the Senate journal.

Senator Stanley offered the following amendment and moved its adoption:

Amend by striking section two (2) and inserting in lieu thereof the following:

"Section 2. The fund above provided shall be allocated to the poor fund of the several counties of the state in the proportion that the population of each county bears to the total population of the state. The federal census for the year 1930 shall be used in determining the population of the counties and state.

"Sec. 3. The fund above provided, when so allocated to each county, shall be administered by the Board of Supervisors of that county for the purposes for which said fund was provided in section one (1) of this act."

Further amend said act by renumbering section three (3) as section four (4).

Senator Stanley offered the following amendment to the amendment and moved its adoption:

Amend by striking from section 2, line 2 the words "the poor fund of"; also amend by adding to section 3 after the word "provided," the words "shall be known as a special relief fund and".

Senator Hicklin, as a substitute, offered the following amendment and moved its adoption:

Amend by adding as Section 3 the following and renumbering the remaining sections:

"Sec. 3. Said funds shall be withdrawn from the State Treasury only as needed from time to time, by requisition of the Governor of the State of Iowa, and upon warrant drawn by the State Comptroller directly to the Federal Emergency Relief Administration of Iowa. With the exception of necessary administrative expenses, said funds shall be allocated by the Federal Emergency Relief Administration of Iowa throughout the various counties of this State in accordance with the need therefor."

Senator Patterson moved that the Senate recess until the fall of the gavel.

The motion prevailed.

The Senate reconvened.

By unanimous consent, on request of Senator Booth, Mr. E. H. Mulock was allowed to address the Senate.

Roll call was demanded on the Hicklin substitute amendment.

By unanimous consent, on request of Senator Mullaney, Senator Schmidt was excused from the call for the day of account of illness in his family.

Rule 8 was invoked.

On the question "Shall the substitution be made?" the vote was:

Ayes, 33.

Anderson	Coykendall	Hill	Meyer
Aschenbrenner	Doze	Hush	Miller of
Baldwin	Frailey	Irwin	Buchanan
Byers	Geske	Kimberly	Miller of Jones
Carden	Harrington	Knudson	Moore
Chrystal	Hicklin	McArthur	Mullaney

Pendray	Shangle	Stevens of	Tripp
Reese	Stevens of	Wapello	Valentine
Roelofs	Decatur	Topping	Wilson

Nays, 14.

Beardsley	Calhoun	Klemme	Patterson
Beatty	Elthon	Leo	Ritchie
Bennett	Hopkins	Nelson	Stanley
Booth	Husted		

Absent or not voting, 3.

Fisch	Schmidt	Wenner
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The substitution was made. The substitute amendment was adopted.

Senator Wilson offered the following amendment and moved its adoption:

Amend section 1 by inserting after the figures “(\$3,000,000.00)” the following: “, or so much thereof as may be necessary.”

The amendment was adopted.

Senator Patterson moved that the reading previously had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

On the question “Shall the bill pass?” the vote was:

Ayes, 36.

Anderson	Harrington	Miller of	Shangle
Aschenbrenner	Hicklin	Buchanan	Stevens of
Baldwin	Hill	Miller of Jones	Decatur
Byers	Hush	Moore	Stevens of
Carden	Irwin	Mullaney	Wapello
Chrystal	Kimberly	Nelson	Topping
Coykendall	Knudson	Patterson	Tripp
Doze	McArthur	Pendray	Valentine
Frailey	Meyer	Reese	Wenner
Geske		Roelofs	Wilson

Nays, 12.

Beardsley	Booth	Hopkins	Leo
Beatty	Calhoun	Husted	Ritchie
Bennett	Elthon	Klemme	Stanley

Absent or not voting, 2.

Fisch	Schmidt
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The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

Senator Valentine moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Valentine, Senate File 281 was messaged to the House immediately.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 35, a bill for an act to create a lien for certain services rendered in the favor of licensed veterinarians.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution No. 8 congratulating the President of the United States on this the fifty-second anniversary of his birth.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 153, a bill for an act to authorize, and provide a method for the discontinuance of the "Stamp-Note Plan".

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 269, a bill for an act providing for the segregation by the County Treasurer of taxes paid in the year 1934 which were due and owing prior to January 1, 1934.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENTS TO SENATE FILE 153

Amend section two (2), line two (2), by striking the word "shall" and inserting in lieu thereof "may".

Correct the spelling of the word "cancelation" where same appears in the Bill to "cancellation".

Amend the title by striking from line two (2) the word "Section" and inserting in lieu thereof "Chapter".

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, Senate Files 268, 177, 246, 148 and House Files 323 and 194.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the

Senate, he had signed in the presence of the Senate, Senate Files 268, 177, 246, 148, and House Files 323 and 194.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 30th day of January, 1934, sent to the Governor for his approval, Senate Files 268, 177, 246 and 148. HOMER HUSH, *Chairman*.

Passed on file.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me as Secretary of the Senate, a proof of publication from The Muscatine Journal and News Tribune, a newspaper published at Muscatine, Muscatine county, Iowa, relating to Senate File 285, a bill for an act to legalize the expenditure of the Board of Supervisors of Muscatine county, Iowa, during the year 1933, for the maintenance of the County Home.

BYRON G. ALLEN, *Secretary of the Senate*.

On motion of Senator Shangle, the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel.

By unanimous consent, on request of Senator Nelson, the order of business was returned to introduction of resolutions.

SENATE CONCURRENT RESOLUTION NO. 9

Whereas, In continuing in Des Moines the Iowa Division branch of the Appraisal Department of the Federal Land Bank of Omaha, the appraiser in charge has not been given authority to appraise and re-appraise property offered as security for farm loans but that all of said work is now handled in the Omaha office of the Federal Land Bank; and

Whereas, It appears to be the purpose of the officers of the Federal Land Bank of Omaha to redistrict and change the boundaries of the chartered territory of local National Farm Loan Associations without consulting the officers of the original National Farm Loan Associations to whom charters protecting territory for said Associations has been granted in keeping with the Farm Loan Act; and

Whereas, It appears that because of discrimination or other unreasonable practice, certain National Farm Loan Associations receive a vastly much larger proportion of completed loans and in the aggregate more

money than other associations, notwithstanding the fact that the other Associations have submitted both applications and abstracts for the closing of loans; and

Whereas, The Eighth Federal Land Bank District is composed of Iowa, Nebraska, South Dakota and Wyoming and about fifty-five per cent of the loans made recently through the Federal Land Bank of Omaha are on real estate located in Iowa; and

Whereas, The prompt handling of appraisements and the speedy closing of new loans is vital now just prior to March 1st; and

Whereas, Under present unsettled financial conditions borrowers have been greatly delayed with reports of approvals on submitted applications or the amount approved has been wholly out of line even with present values resulting in expensive delays and instances of foreclosure; and

Whereas, The applicants for loans are not financially able to finance trips to the Federal Land Bank office in Omaha on matters relating to the securing of farm loans; and if they were able to make the trip the pressure of business in the Federal Land Bank of Omaha is so great, operating two shifts a day for three months, they would not be able to receive the careful attention to which their business would entitle them, therefore,

Be It Resolved by the Senate, the House Concurring: -

Section 1. That the Senate and the House of the 45th General Assembly in special session assembled memorialize the Farm Credit Administration at Washington, D. C. and its Governor, the Hon. W. I. Myers to vest in the Iowa Appraisal Division, in Des Moines, of the Federal Land Bank of Omaha, the authority to appraise and where in the judgment of its management to re-appraise property offered as security for farm loans on land submitted in applications for Federal Land Bank Loans and report its valuations to the Appraisal Committee of the Federal Land Bank at Omaha, which Committee shall act promptly and in keeping with the Farm Loan Act, pass on appraisals, thereby eliminating unusual delays and lessening the chance of foreclosures.

Section 2. That an order be made directing the officers of the Federal Land Bank at Omaha, Nebraska, to show no favoritism or discriminations on considering applications, approving the same or closing loans for local National Farm Loan Associations.

Section 3. That the practice of reducing the amount of loans to be made through the Federal Land Bank and overcoming this reduction with Farm Loan Commissioner loans should be discountenanced. In other words, eligible borrowers should receive approvals for as much as can safely be made through the Federal Land Bank as a first loan using the Commissioner Loan money more particularly as intended under its appropriation for the settling of obligations to other creditors.

Section 4. That there should be no action of the officers of the Federal Land Bank of Omaha changing the boundaries of the chartered territories of the original chartered National Farm Loan Associations without first giving a fair consideration to the members of said original

affected associations a representation; and this request shall apply to any changes made during the year 1933.

FRED W. NELSON,
D. MYRON TRIPP,
CARL ASCHENBRENNER.

Passed on file.

By unanimous consent, on request of Senator Hicklin, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File 285, by committee on judiciary No. 2, a bill for an act to legalize the expenditure of the Board of Supervisors of Muscatine County, Iowa, during the year 1933, in the sum of \$11,969.31, from the County Insane Fund, for the maintenance of the County Home.

Read first and second times and placed on the calendar.

Senate File 286, by committee on judiciary No. 2, a bill for an act to amend section five thousand three hundred ninety-six-a one (5396-a1), Code, 1931, relating to the maintenance of graves of soldiers, sailors, and marines.

Read first and second times and placed on the calendar.

HOUSE MESSAGE CONSIDERED

House File 35, a bill for an act to create a lien for certain services rendered in the favor of licensed veterinarians.

Read first and second times and referred to committee on judiciary No. 1.

REPORT OF COMMITTEE

Senator Moore submitted the following report:

MR. PRESIDENT: Your committee on public health to which was referred House File 146, a bill for an act giving the operator of a hospital in this State a lien upon all causes of action to a patient therein, or to the legal representatives of such patient, or the reasonable charges for hospital care necessitated by the injuries giving rise to such causes of action, begs leave to report it has had the same under consideration and recommends the same do pass.

MORRIS MOORE, *Chairman.*

Ordered passed on file.

HOUSE FILE 1 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate except Senators Chrystal, Fisch, Frailey, Kimberly and Patterson.

Senator Fisch had been previously excused.

Senators Chrystal, Frailey and Kimberly appeared in the Senate chamber.

Senator Patterson was excused, temporarily, or until a vote was to be taken.

By unanimous consent, on request of Senator Hicklin, his amendments to Sections 10 and 33 as found on pages 810 and 811 respectively, were withdrawn from further consideration.

Senator Patterson appeared in the Senate chamber and the call was declared complete.

Senator Hicklin offered the following amendments and moved their adoption:

Amend Section 22, line twenty-eight (28), by inserting after the word "book" the following: "and shall forthwith record said lien in the manner provided for recording real estate mortgages."

Also, strike line twenty-nine (29) of said Section 22, and insert in lieu thereof, the following: "lien shall be effective from the time of the indexing thereof."

Further amend Section 22 of House File 1, by inserting a new sentence after line twenty-nine (29), as follows: "The Board shall pay a recording fee as provided in Section fifty one hundred seventy-seven (5177), Code, 1931, for the recording of such lien, or the satisfaction thereof."

By unanimous consent, on request of Senator Valentine the period (.) after the word "mortgages" in line 3, as shown in the journal, was changed to a comma (,).

The amendments were adopted.

Senator Wenner and 34 other Senators, offered the following amendment as found on page 850 of the Senate journal, and moved its adoption:

Amend Section 41-a, by striking the word "may" in line one (1) and inserting in lieu thereof the words: "shall, as far as practicable,".

Senator Shangle offered the following amendment to the amendment and moved its adoption:

Amend by striking therefrom the words " , as far as practicable,".

Senator Mullaney moved the previous question on the pending amendment to the amendment and the main amendment.

The motion was lost.

Senator Hush moved the previous question, on the pending amendment to the amendment, which motion prevailed.

The amendment to the amendment was lost.

By unanimous consent, on request of Senator Patterson, Senator Ritchie was excused from the call, for the day, on account of illness.

Roll call was demanded on the pending amendment.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 42.

Anderson	Harrington	Meyer	Shangle
Aschenbrenner	Hicklin	Miller of	Stanley
Baldwin	Hill	Buchanan	Stevens of
Bennett	Hush	Miller of Jones	Decatur
Byers	Husted	Moore	Stevens of
Carden	Irwin	Mullaney	Wapello
Chrystal	Kimberly	Nelson	Topping
Coykendall	Klemme	Pendray	Tripp
Doze	Knudson	Reese	Valentine
Elthon	Leo	Roelofs	Wenner
Frailey	McArthur	Schmidt	Wilson
Geske			

Nays, 6.

Beardsley	Booth	Hopkins	Patterson
Beatty	Calhoun		

Absent or not voting, 2.

Fisch	Ritchie
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The amendment was adopted.

Senator Hicklin offered the following amendments and moved their adoption:

Amend Section 21 as follows:

1. By adding thereto after the word "practicable", in the second line thereof, the words "and in any event within two (2) years".

2. Also by substituting the word "two" for the word "five" in line 14 of said section.

3. Also by striking therefrom paragraph three (3) thereof, and by substituting for the lines so stricken, the following:

"3. To the tax or additional tax as determined by the Board under the

provisions of paragraphs one (1) and two (2) of this Section, there shall be added and made a part thereof, additional amounts as follows:

(a) If the failure to file a return or list income, or any portion thereof, is not due to any fault of the taxpayer, no penalty shall be added, but interest shall be added at the rate of one-half of one per cent ($\frac{1}{2}\%$) for each month or fraction of a month during which the tax and/or additional tax remains unpaid.

(b) If such failure is due to negligence of the taxpayer, without intent to defraud, interest shall be added at the rate of one-half of one per cent ($\frac{1}{2}\%$), for each month or fraction of the month during which the tax, or additional tax remains unpaid, plus an additional amount by way of penalty, equal to five per cent (5%) of such tax and/or additional tax, but in no case shall such penalty be less than one dollar (\$1.00).

(c) If such failure is found by the Board to be due to fraud upon the part of the taxpayer, with intent to evade the tax, interest shall be added at the rate of one per cent (1%) for each month or fraction of a month during which the tax or additional tax remains unpaid, plus an additional amount by way of penalty, equal to ten per cent (10%) of such tax and/or additional tax, but in no case less than Five Dollars (\$5.00).

(d) The interest provided for in this paragraph 3, of Section 21, shall in all cases be computed from the date the return was originally required to be filed."

Senator Stanley asked for a division of the question.

Senator Knudson was called to the chair at 3:03 p. m.

Amendment No. 1 was adopted.

Amendment No. 2 to line 14 of subsection 2 was lost.

President N. G. Kraschel returned to the chair at 3:08 p. m.

Amendment No. 3 to subsection 3 was lost.

Senator Husted offered the following amendment and moved its adoption:

Amend section 29, line 4, by adding after the comma (,) following the word "national" the following: "private,".

The amendment was adopted.

Senator Patterson offered the following amendment and moved its adoption:

Amend by adding after the comma following the figures "1934", line 2 of Sec. 38 the following: "and ending December 31, 1935."

Senator Moore offered the following amendment to the amendment and moved its adoption:

Amend line 2 by striking the words and figures "Sec. 38" and inserting in lieu thereof the word and figure "section 5".

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the amendment to the amendment be adopted?" the vote was:

Ayes, 11.

Baldwin	Harrington	Moore	Topping
Byers	Irwin	Stevens of	Tripp
Frailey	Klemme	Wapello	Wenner

Nays, 37.

Anderson	Doze	Leo	Reese
Aschenbrenner	Elthon	McArthur	Roelofs
Beardsley	Geske	Meyer	Schmidt
Beatty	Hicklin	Miller of	Shangle
Bennett	Hill	Buchanan	Stanley
Booth	Hopkins	Miller of Jones	Stevens of
Calhoun	Hush	Mullaney	Decatur
Carden	Husted	Nelson	Valentine
Chrystal	Kimberly	Patterson	Wilson
Coykendall	Knudson	Pendray	

Absent or not voting, 2.

Fisch	Ritchie
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The amendment to the amendment was lost.

Senator Frailey moved the previous question on the pending Patterson amendment, which motion prevailed.

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 18.

Aschenbrenner	Chrystal	Hush	Leo
Beardsley	Coykendall	Irwin	McArthur
Beatty	Elthon	Klemme	Patterson
Booth	Hill	Knudson	Wilson
Calhoun	Hopkins		

Nays, 30.

Anderson	Hicklin	Mullaney	Stevens of
Baldwin	Husted	Nelson	Decatur
Bennett	Kimberly	Pendray	Stevens of
Byers	Meyer	Reese	Wapello
Carden	Miller of	Roelofs	Topping
Doze	Buchanan	Schmidt	Tripp
Frailey	Miller of Jones	Shangle	Valentine
Geske	Moore	Stanley	Wenner
Harrington			

Absent or not voting, 2.

Fisch	Ritchie
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The amendment was lost.

By unanimous consent, on request of Senator Beardsley, his amendment to Sec. 38 as found on page 833 of the Senate journal, was withdrawn.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 281, a bill for an act to make an appropriation for direct relief and/or work relief and expenses incidental thereto for the purpose of caring for the unemployed and needy.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENTS TO SENATE FILE 281

Amend Sec. two (2) by striking the period at the end thereof and inserting in lieu thereof the following:

“, but in no case shall funds appropriated under this act be used to pay wages for relief work in excess of thirty-five cents (35c) per hour.”

HOUSE AMENDMENTS CONSIDERED

Senator Geske called up for consideration Senate File No. 281, amended by the House, and moved that the Senate suspend the rules and concur in the following amendments:

Amend Sec. two (2) by striking the period at the end thereof and inserting in lieu thereof the following:

“, but in no case shall funds appropriated under this act be used to pay wages for relief work, in excess of thirty-five cents (35c) per hour.”

Senator Carden moved the previous question, which motion prevailed.

Rule 8 was invoked.

On the question “Shall the Senate concur?” the vote was:

Ayes, 22.

Anderson	Carden	Husted	Patterson
Beardsley	Elthon	Leo	Stanley
Beatty	Frailey	Meyer	Stevens of
Bennett	Hicklin	Miller of Jones	Wapello
Booth	Hill	Mullaney	Topping
Calhoun	Hopkins	Nelson	

Nays, 26.

Aschenbrenner	Harrington	Miller of	Shangle
Baldwin	Hush	Buchanan	Stevens of
Byers	Irwin	Moore	Decatur
Chrystal	Kimberly	Pendray	Tripp
Coykendall	Klemme	Reese	Valentine
Doze	Knudson	Roelofs	Wenner
Geske	McArthur	Schmidt	Wilson

Absent or not voting, 2.

Fisch

Ritchie

The House amendment having failed to receive a constitutional majority was declared to have failed to be adopted and concurred in by the Senate.

The journal of January 29th was corrected and approved.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which the amendment to House File 1 by Senator Wenner et al., found on page 850 of the Senate journal, passed the Senate.

ROY E. STEVENS.

AMENDMENTS FILED

Amend House File 1 by striking from line 6 of Section 29 the word, "domestic".

Further amend by striking from line 4 of Section 44 the word, "15th", and inserting in lieu thereof the word, "20th".

Further amend by striking from line 18 of Section 51, the figures, "47", and inserting in lieu thereof the figures, "46".

Further amend by striking from line 21 of Section 44 the word, "forty-six" and inserting in lieu thereof the word "forty-five".

JOHN K. VALENTINE.

Amend section 62 of House File 1 by inserting the words "and private banks" after the word "stock" in lines 6, 10, 25, and 28 respectfully.

ORA E. HUSTED.

Amend House File 1, subsection one (1), Section Thirty-two (32) by adding a period (.) after the word "require" in line ten (10) thereof, striking the remainder of said subsection and adding in lieu of the part so stricken, the following:

"The board shall compute, determine and assess the tax upon the combined net income shown by such consolidated return and as apportioned and allocated according to Section 28 of this Act; provided that the term 'taxable income' as used in this act shall not include income represented by dividends received by any one of such corporations from another; and provided further that the income of the dividend paying corporation is reported to and subject to taxation under this act by the state of Iowa."

Amend Section 10 by substituting the word "for" for the word "on" in the eighth (8th) line thereof.

Amend Section 28 by substituting the word "or" for the word "and" in the twenty-sixth (26th) line thereof.

JOHN K. VALENTINE.

On motion of Senator Coykendall the Senate adjourned until 10:00 a. m. Wednesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, JANUARY 31, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. E. A. Elliott, member of the House of Representatives, Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring Senate File 58, relative to regulation of the business of making loans of \$300 or less. Senator Stanley from members of Federated Travel Club of Bedford. Banks and banking.

Favoring local option. Senator Hopkins from voters of Minburn, Adel, Perry and Redfield. Liquor control.

Protesting any discrimination between hotels and restaurants on liquor bill. Senator Booth from restaurant owners of Atlantic. Liquor control.

Favoring McArthur bill relating to county agent and farm bureaus. Senator Bennett from voters of Denison. Agriculture.

RESIGNATION OF PAGES

I hereby resign as Page to the Secretary of the Senate, effective January 31, 1934.

JAMES HRONEK, JR.

I hereby resign as Senate Page, effective January 31, 1934.

BILLY B. RUSSELL.

The resignations were accepted.

APPOINTMENT OF PAGES

I hereby appoint the following persons to act as pages, effective February 1, 1934, to fill vacancies created by the resignation of James Hronek, Jr., and Billy B. Russell, pursuant to the provisions of the rules of the Senate: Edward F. McCartan, Secretary's page, and Edward L. Quirk and Leo Cash, Senate pages. N. G. KRASCHEL, *Lieutenant Governor*.

RESIGNATION OF CLERK

I hereby tender my resignation as committee clerk to Senator Claude Stanley to take effect as of January 31, 1934. HAZEL BOSWELL.

The resignation was accepted.

COMMITTEE REPORT

MR. PRESIDENT: Your committee on clerks has assigned Wilma Carter as clerk to Senator Stanley beginning February 1, 1934.

LAFE HILL, *Chairman.*

M. MOORE.

CHRIS REESE.

By unanimous consent on request of Senator Hill the report was taken up, considered, and adopted.

SPECIAL COMMITTEE

Senator Bennett moved that a special committee be appointed to consider Senate Concurrent Resolution No. 9.

The motion prevailed.

The President appointed as Senate members, Senators Bennett, Nelson, Mullaney, Miller of Jones and Carden.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on the thirtieth day of January he had signed the following bill: Senate File 105, an act to remove the present limitations on the use of primary road funds.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 224, a bill for an act to make permanent the temporary transfer, made November 6, 1931, of money from the secondary road maintenance fund to the general fund of Emmet County.

Also: That the House has appointed a conference committee on House File No. 97, a bill for an act to amend Section 4505, Code, 1931, and to repeal section 4486, Code, 1931, relating to the protection of the permanent school fund.

The Speaker appointed as members of the conference committee, Grau

of Buena Vista, Hook of Taylor, Hanson of Lyon and Schroeder of Carroll.

Also: That the House has refused to recede from its amendment to Senate File No. 281, a bill for an act to make an appropriation for direct relief and/or work relief and expenses incidental thereto for the purpose of caring for the unemployed and needy.

The Speaker has appointed the following conference committee: McCreery of Linn, Fabritz of Wapello, Wieben of Tama, Hook of Taylor and Bruce of Pocahontas.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE FILE 1 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate except Senators Chrystal, Fisch, Irwin, Ritchie and Stevens of Wapello.

Senator Fisch was excused indefinitely.

On motion of Senator Elthon, Senator Ritchie was excused from the call until noon.

Senators Irwin, Stevens of Wapello and Chrystal appeared in the Senate chamber and the call was declared complete.

Senator Stevens of Wapello offered the following amendment and moved its adoption:

Amend by striking from Division IV, section thirty-eight (38) the following;—Beginning with the word "There" in the first line of said section and ending with the word "division" being the last word in the first paragraph of said section thirty-eight, in line —, and inserting in lieu thereof the following:

"1. There is hereby imposed, beginning the first day of April, 1934, a retail sales tax, at the rates hereinafter fixed, upon the gross receipts of all sales of tangible personal property, consisting of goods, wares, or merchandise, except as otherwise provided in this Division, sold at retail in the State of Iowa to consumers or users, which retail sales tax shall be levied, computed and collected as hereinafter provided, according to the following rates:

"(a) Up to \$75,000 of annual gross retail sales, or any part thereof, one per cent (1%).

"(b) From \$75,000 to \$150,000 of annual gross retail sales, or any part thereof, one and one half per cent (1½%).

"(c) On all annual gross retail sales in excess of \$150,000, two per cent (2%).

"2. For the purposes of this Act, every person, firm, corporation, association, partnership, or agency whatsoever, operating in whole or in part, any store or stores in the state, for the purpose of selling at retail any tangible personal property consisting of goods, wares or merchandise, to consumers or users, shall be considered as a single unit for the collection

of taxes under this Act, and the rates provided in this Act shall be applied upon the entire volume of all sales made by any such retailer through all retail establishments under the management or control of such retailer. The State Board shall provide for joint returns from the retailer in all cases where more than one retail agency or store is under the same general management, supervision, ownership or control.

"3. There is also hereby imposed a tax of two per cent (2%) upon the gross receipts from the sales, furnishing or service of gas, electricity, water and communication service, including the gross receipts from such sales by any municipal corporation furnishing gas, electricity, water, communication service and all general services sold to the public in its proprietary capacity, except as otherwise provided in this division, when sold at retail in the state of Iowa to consumers or users.

"4. There is also hereby imposed a tax of two per cent (2%) upon the gross receipts from all sales of tickets or admissions to all places of amusement, recreation or entertainment for which an admission is charged, except as otherwise provided in this Division, which tax shall be effective on and after April 1, 1934."

President pro tempore Harold L. Irwin was called to the chair at 10:33 a. m.

Senator Tripp offered the following amendment to the amendment and moved its adoption:

Amend by striking therefrom subsections "a", "b", and "c", of paragraph one of said amendment, and substituting in lieu thereof the following:

"(a). On the first twenty-five thousand dollars of gross sales, or any part thereof, one-half per cent ($\frac{1}{2}\%$).

"(b). On the next twenty-five thousand dollars of gross sales, or any part thereof, one per cent (1%).

"(c). On the next fifty thousand dollars of gross sales, or any part thereof, one and one-half per cent ($1\frac{1}{2}\%$).

"(d). On all gross sales in excess of one hundred thousand dollars, two per cent (2%)."

Senator Calhoun moved that two letters read by Senator Byers, referring to the amendments before the Senate, be printed in the journal.

The motion was lost.

Senator Calhoun asked for a division of the vote and raised the point of order that when there is any doubt as to the outcome of a vote a division is in order.

The President pro tempore ruled that after the vote is announced a division is out of order.

Senator Ritchie appeared in the Senate chamber.

Roll call was demanded on the Tripp amendment to the amendment.

Rule 8 was invoked.

On the question "Shall the amendment to the amendment be adopted?" the vote was:

Ayes, 23.

Aschenbrenner	Coykendall	Klemme	Nelson
Beardsley	Elthon	Leo	Patterson
Beatty	Hicklin	Miller of	Ritchie
Booth	Hopkins	Buchanan	Shangle
Calhoun	Hush	Moore	Tripp
Carden	Husted	Mullaney	Wenner

Nays, 26.

Anderson	Geske	Meyer	Stevens of
Baldwin	Harrington	Miller of Jones	Decatur
Bennett	Hill	Pendray	Stevens of
Byers	Irwin	Reese	Wapello
Chrystal	Kimberly	Roelofs	Topping
Doze	Knudson	Schmidt	Valentine
Frailey	McArthur	Stanley	Wilson

Absent or not voting, 1.

Fisch

The amendment to the amendment was lost. Action was temporarily deferred.

Senator Shangle moved to recess until 1:30 p. m. today.

The motion prevailed.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel, President N. G. Kraschel presiding.

CONFERENCE COMMITTEE ON SENATE FILE 281

The President announced that he had appointed as Senate members of the conference committee on Senate File 281, Senators Geske, Byers, Frailey, Irwin and Mullaney.

CHANGE IN CONFERENCE COMMITTEE ON HOUSE FILE 97

The President announced the appointment of Senator Hill as Senate member on the conference committee on House File 97 to replace Senator Pendray.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled Senate File 269 and House Files 8 and 224.

HOMER HUSH, *Chairman Senate Committee,*
WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate File 269 and House Files 8 and 224.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 31st day of January, 1934, sent to the Governor for his approval, Senate File No. 269.

HOMER HUSH, *Chairman.*

Passed on file.

HOUSE FILE 1 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate except Senators Anderson, Aschenbrenner, Fisch, Knudson and Patterson.

Senator Fisch was excused indefinitely.

Senator Aschenbrenner was excused temporarily on account of illness.

Discussion was resumed on the amendment proposed by Senator Stevens of Wapello, upon which action was deferred before recess.

Senators Anderson and Knudson appeared in the Senate chamber.

Senator Elthon offered the following amendment to the amendment and moved its adoption:

Amend subsection 4 by striking from line 1 the words and figures

“two per cent (2%)” and inserting in lieu thereof the words and figures “five per cent (5%)”.

Senator Patterson appeared in the Senate chamber.

The amendment to the amendment was lost.

Roll call was demanded on the Stevens of Wapello amendment.

Rule 8 was invoked.

On the question “Shall the amendment be adopted?” the vote was:

Ayes, 18.

Beardsley	Elthon	Leo	Ritchie
Beatty	Hill	Miller of	Stanley
Booth	Hopkins	Buchanan	Stevens of
Calhoun	Husted	Nelson	Wapello
Carden	Klemme	Patterson	Tripp

Nays, 30.

Anderson	Geske	Meyer	Shangle
Baldwin	Harrington	Miller of Jones	Stevens of
Bennett	Hicklin	Moore	Decatur
Byers	Hush	Mullaney	Topping
Chrystal	Irwin	Pendray	Valentine
Coykendall	Kimberly	Reese	Wenner
Doze	Knudson	Roelofs	Wilson
Frailey	McArthur	Schmidt	

Absent or not voting, 2.

Aschenbrenner Fisch

The amendment was lost.

Senator Hush offered the following amendment and moved its adoption:

Amend by striking subsection four (4) of section sixty-two (62).

Senator Elthon moved the previous question, which motion prevailed.

Roll call was demanded.

Rule 8 was invoked.

On the question “Shall the amendment be adopted?” the vote was:

Ayes, 32.

Anderson	Calhoun	Elthon	Hush
Baldwin	Carden	Frailey	Husted
Beardsley	Chrystal	Geske	Kimberly
Byers	Doze	Hopkins	Knudson

Leo
McArthur
Miller of
Buchanan
Moore

Mullaney
Patterson
Pendray
Reese
Ritchie

Roelofs
Schmidt
Stanley
Stevens of
Decatur

Valentine
Wenner
Wilson

Nays, 16.

Beatty
Bennett
Booth
Coykendall
Harrington

Hicklin
Hill
Irwin
Klemme

Meyer
Miller of Jones
Nelson
Shangle

Stevens of
Wapello
Topping
Tripp

Absent or not voting, 2.

Aschenbrenner Fisch

The amendment was adopted.

Senator Shangle offered the following amendments and moved their adoption:

1. Amend Division II, Section Four (4), Paragraph Three (3) by inserting a period after the word "year" in line one (1) and striking rest of said paragraph.

2. Amend Division II, Section Four (4), Paragraph Four (4) by striking from lines ten (10) and eleven (11) the words "or the fiscal year ending during such calendar year,".

3. Further amend Division II, Section Four (4) by striking out all of Paragraph Five (5).

The amendments were lost.

Senator Shangle offered the following amendments and moved their adoption:

4. Further amend Division II, Section Four (4) by adding as Paragraph Thirteen (13) the following:

"Par. 13. The term "self-supporting individual" means any single or unmarried person who during the taxable year had a net income as provided in this Act of \$300.00 and any husband or wife that is the head of a family who during the taxable year had a net income as provided in this Act of \$600.00."

5. Amend Division II, Section Twelve (12) by striking all of Paragraph One (1) and insert in lieu thereof the following: "All individuals who are not self-supporting as defined in this Act are exempted from making any returns or paying any tax under the provisions of this Act."

6. Amend Division II, Section Thirteen (13) Paragraph one (1) line one (1) by inserting after the word "every" the words "self-supporting" and further amend by striking out lines two (2), three (3), four (4) and five (5) and all that part of line six (6) preceding the word "shall".

7. Amend Division II, Section Sixteen (16) by striking out all of Paragraph one (1) after the period in line five (5).

By unanimous consent on request of Senator Shangle amendment No. 7 to section 16 was withdrawn.

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall amendments 4, 5 and 6 be adopted?" the vote was:

Ayes, 10.

Beatty
Byers
Coykendall

Doze
Hopkins
Husted

Ritchie
Shangle

Stevens of
Decatur
Tripp

Nays, 38.

Anderson
Baldwin
Beardsley
Bennett
Booth
Calhoun
Carden
Chrystal
Elthon
Frailey

Geske
Harrington
Hicklin
Hill
Hush
Irwin
Kimberly
Klemme
Knudson
Leo

McArthur
Meyer
Miller of
Buchanan
Miller of Jones
Moore
Mullaney
Nelson
Patterson
Pendray

Reese
Roelofs
Schmidt
Stanley
Stevens of
Wapello
Topping
Valentine
Wenner
Wilson

Absent or not voting, 2.

Aschenbrenner Fisch

Amendments 4, 5 and 6 were lost. Action on House File 1 was deferred.

By unanimous consent on request of Senator Hopkins, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File 287, by committee on claims, a bill for an act to make an appropriation to Elmer Williams.

Read first and second times and referred to committee on appropriations.

Senate File 288, by committee on claims, a bill for an act to make an appropriation to Ben Terhark.

Read first and second times and referred to committee on appropriations.

Senate File 289, by committee on claims, a bill for an act to make an appropriation to Staley Sales Corporation.

Read first and second times and referred to committee on appropriations.

Senate File 290, by committee on claims, a bill for an act to make an appropriation to O. D. Scholl.

Read first and second times and referred to committee on appropriations.

Senate File 291, by committee on claims, a bill for an act to make an appropriation to Roscoe W. Wilson.

Read first and second times and referred to committee on appropriations.

Senate File 292, by committee on claims, a bill for an act to make an appropriation to Mrs. Olin Waltz of Mason City, Iowa.

Read first and second times and referred to committee on appropriations.

Senate File 293, by committee on emergency legislation, a bill for an act to amend section fifty-eight hundred twenty (5820) Code of 1931 relating to the powers of river front commissions by adding thereto the power to erect and finance armories, coliseums and other public buildings, and furnish and equip same, upon real estate under its jurisdiction.

Read first and second times.

By unanimous consent, on request of Senator Stevens of Wapello, the rules were suspended by which no bill may be read the second and third times on the same day.

THIRD READING OF BILLS

By unanimous consent on motion of Senator Stevens of Wapello, Senate File 293, a bill for an act to amend section fifty-eight hundred twenty (5820) Code of 1931 relating to the powers of river front commissions by adding thereto the power to erect and finance armories, coliseums and other public buildings, and furnish and equip same, upon real estate under its jurisdiction, an emergency legislation committee bill, was taken up and considered.

The bill was read for information.

Senator Stevens of Wapello moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 43.

Baldwin	Geske	Meyer	Shangle
Beardsley	Harrington	Miller of	Stanley
Beatty	Hicklin	Buchanan	Stevens of
Bennett	Hill	Moore	Decatur
Booth	Hopkins	Mullaney	Stevens of
Byers	Hush	Nelson	Wapello
Carden	Husted	Patterson	Topping
Chrystal	Irwin	Pendray	Tripp
Coykendall	Kimberly	Reese	Valentine
Doze	Knudson	Roelofs	Wenner
Elthon	Leo	Schmidt	Wilson
Frailey	McArthur		

Nays, none.

Absent or not voting, 7.

Anderson	Calhoun	Klemme	Ritchie
Aschenbrenner	Fisch	Miller of Jones	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Stevens of Wapello moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Stevens of Wapello, Senate File 293 was messaged to the House immediately.

SENATE FILE 42 SPECIAL ORDER

By unanimous consent, on request of Senator Frailey, Senate File 42 was made a special order of business immediately following consideration of House File 112.

SENATE FILE 276 SPECIAL ORDER

Senator Stanley asked unanimous consent that Senate File 276 be made a special order immediately following consideration of Senate File 42.

Objection was raised.

Senator Stanley moved that Senate File 276 be made a special order immediately following consideration of Senate File 42.

The motion prevailed.

REPORT OF CONFERENCE COMMITTEE ON SENATE FILE 281

MR. PRESIDENT: We, the undersigned Conference Committee appointed to consider the difference between the Senate and House on Senate File 281, being a bill for an Act to make an appropriation for direct relief and/or work relief and expenses incidental thereto for the purpose of caring for the unemployed and needy, begs leave to report that it has had the same under consideration and recommends that the following amendment be substituted in lieu of the House amendment to read as follows: "but in no case shall the hourly rate for work in exchange for relief be less than twenty-five cents nor more than thirty-five cents."

Further, amend the title by inserting after the word "needy" the following: "and to regulate the hourly rates for work in exchange for relief".

Respectfully submitted,

M. X. GESKE,
J. R. FRAILEY,
H. L. IRWIN,
FRANK C. BYERS,
T. W. MULLANEY,

D. R. MCGREERY,
E. E. WIEBEN,
MARION BRUCE,
CHAS. S. HOOK,

On the Part of the Senate.

On the Part of the House.

EXPLANATION

We, the undersigned members of the Senate Conference Committee to whom was referred Senate File 281, desire to dissent from the majority opinion expressed in the conference report and have signed the same with the understanding that this dissenting opinion be attached thereto. In signing the committee report we did so realizing the importance of the measure and for the reason we did not desire to cause any delay in disposing of the bill and because the House amendment was approved by the State Emergency Relief Committee before our committee and said committee urged that we accept the House amendment.

We insist that no wage scale should have been adopted or fixed by law for the reason that the maximum provided in said report is much lower than the minimum provided for by the Federal Government in relief of work and tends to lower and demoralize the rate of wages paid laboring men privately employed.

FRANK C. BYERS,
H. L. IRWIN.

By unanimous consent, on request of Senator Geske, the rules were suspended and the report was taken up and considered.

Rule 8 was invoked.

On the question "Shall the report be adopted and the amendments proposed therein concurred in?" the vote was:

Ayes, 34.

Anderson	Geske	McArthur	Roelofs
Baldwin	Harrington	Meyer	Schmidt
Booth	Hill	Miller of	Stanley
Byers	Hopkins	Buchanan	Stevens of
Carden	Hush	Miller of Jones	Wapello
Chrystal	Kimberly	Moore	Topping
Coykendall	Klemme	Mullaney	Tripp
Doze	Knudson	Nelson	Valentine
Frailey	Leo	Pendray	Wenner

Nays, 11.

Beardsley	Hicklin	Patterson	Shangle
Calhoun	Husted	Reese	Wilson
Elthon	Irwin	Ritchie	

Absent or not voting, 5.

Aschenbrenner	Bennett	Fisch	Stevens of
Beatty			Decatur

The conference committee report was adopted and the amendments proposed therein were concurred in.

By unanimous consent on request of Senator Frailey, the report was messaged to the House immediately.

REPORT OF COMMITTEE

Senator Geske submitted the following report:

MR. PRESIDENT: Your committee on emergency legislation to which was referred Senate File 199, a bill for an act providing that proof that certain acts done in compliance with the provisions of any code, agreement, license, rule or regulation under the National Industrial Recovery Act or in compliance with the policy of administration of such act or the National Recovery Administration shall be a defense in civil or criminal proceedings for violation of the laws of this state with respect to competition, begs leave to report it has had the same under consideration and returns the bill without recommendation. M. X. GESKE, *Chairman*.

Ordered passed on file.

EXPLANATION OF VOTE

We, the undersigned Senators, desire to make this explanation of our vote on Wednesday, January 31st, at which time we voted in favor of accepting the Conference Committee's report on Senate File 281. While we are opposed to the placing of any restriction on wages to be paid out of the appropriation provided for in said bill by the Federal Emergency Relief Administration, we felt that because of the fact that unless the State of Iowa, through its Legislature, acted immediately and passed such appropriation the Federal Government might withdraw from the State of Iowa all Federal relief, including CWA, PWA and other emergency relief funds, and that we should concur in the Conference Com-

mittee's report on said bill in order to facilitate its early passage and prevent such withdrawal of funds.

WM. McARTHUR.
JOHN K. VALENTINE.
D. MYRON TRIPP.

VINCENT F. HARRINGTON.
HOWARD C. BALDWIN.

The journal of January 30th was corrected and approved.

AMENDMENTS FILED

Amend House File 1 as follows:

Amend Subparagraph (a) of Section 29 by inserting after the comma after the word "associations" where it first appears in line eight of said Section 29, the following: "reciprocal or inter-insurance exchanges,"

GEO. A. WILSON.

Amend House File 1, Division IV, Section 37, by striking all of subsection (c) and inserting in lieu thereof the following:

"(c) 'Retail sale' or 'sale at retail' means the sale to a consumer or to any person for any purpose, other than for processing or for resale, of tangible personal property and the sale of gas, electricity, water, and communication service to retail consumers or users."

VINCENT F. HARRINGTON.

Amend House File 1 by adding after the word "deductions" in line 59, Section 9, the following words: "in subsection 6". WM. S. BEARDSLEY.

Amend House File 1 by striking all of Section sixty-one (61), and lines one (1) to forty (40) inclusive, of Section sixty-two (62), and inserting in lieu thereof the following:

"Sec. 61. Generally. All revenues arising under the operation of this act and carried by the treasurer of state in the special tax fund shall be apportioned as follows:

1. There is hereby appropriated out of the revenue derived from this act, not to exceed three per cent (3%) of the revenue derived therefrom for the expenses incurred by the Board in the carrying out of its provisions.

2. The balance of all revenues arising under the operation of this act, and carried by the county treasurers and by the treasurer of state in the special tax fund, shall be allocated to the several counties of the state in the same proportion that the total amount of general taxes levied and spread on the books on the taxable real and tangible personal property in that county bears to the total general taxes levied and spread on the books on the taxable real and tangible personal property in the state.

3. On August 1, 1934, and annually thereafter the board shall certify to the county treasurer of each county in the state the total amount of the money which has been apportioned and/or is then apportionable to that county.

4. The county treasurer shall then apply the amounts so apportioned to the relief of the several property taxpayers of that county by entering a credit against the second installment of the general tax of such taxpayer, the amount of such credit to be determined by the proportion which

such taxpayer's total general taxes levied and spread on the books on taxable real and tangible personal property bears to the total general taxes levied and spread on the books on the taxable real and tangible personal property in that county. The amount of money so credited shall be distributed from said funds in the hands of the county treasurer in the same manner as though said amounts had been paid by the taxpayer. In the event that such property taxpayer has paid his taxes in full prior to date of credit application, the county treasurer shall nevertheless enter the aforesaid credit which shall entitle such taxpayer to refund thereof.

Renumber paragraph "4" of Section sixty-two (62) as "Sec. 62."

EDW. J. WENNER.

Amend House File 1 by striking all after the enacting clause and substituting in lieu thereof the following:

Section 1. Definitions. This act shall be known and cited as the "property tax limitation and relief act of 1933".

Unless otherwise specifically provided when used in this act:

(a) The word "person" includes individuals, fiduciaries and partnerships.

(b) The word "corporation" includes joint stock companies, limited partnerships, and associations organized for pecuniary profit.

(c) The words "domestic corporation" mean any corporation organized under the laws of this state.

(d) The words "foreign corporation" mean any corporation other than a "domestic corporation".

(e) The word "taxpayer" means and includes every person, individual, firm, co-partnership, association, corporation, society, congregation, and/or body of persons howsoever associate or organized, and/or fiduciary, who derives or receives any income from any and all business done or transacted in the state of Iowa, and any other individual who maintains a permanent place of abode within this state, or spends in the aggregate more than six months within this state, or spends in the aggregate more than six months within the state, within any tax year, or maintains or occupies a permanent place of doing business in the state of Iowa.

(f) The term "tax year" or "taxable year" means the calendar year.

(g) The term "gross income" means the aggregate sum in value, or its equivalent, passing in any transaction of business as compensation for personal service, and from trade, business or commerce, proceeding or accruing from the sale of tangible property, real or personal, or service, or both, and all receipts, actual or accrued, by reason of the investment of capital of the business engaged in, including interest, discounts, rentals, royalties, dividends, fees, wages, salaries, commissions or other emoluments, however designated, without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, or discount paid, or any other expense whatsoever; and without any deduction on account of losses; provided, however, that when credit is extended for the whole, or any part of the consideration proceeding from any business transaction, such credit receivable shall not be deemed to constitute gross receipts or gross income until collected. Provided further the term

"gross income" shall not include the proceeds of a sale of property by the owner when such sale is an isolated transaction merely incident to ownership, is not part of a series of similar transactions, and has no connection with a regular business of the owner. Provided, further, that upon the sale of any property or commodity, delivered out of the state, the freight or transportation cost, actually paid thereon, shall not be deemed gross income. Provided, further, that cash discounts, allowed and taken on sales, shall not be included as gross income; and further provided, that goods, wares or merchandising or the value thereof, returned by customers when the sale price is refunded, either in cash or credit, shall not be deemed included in gross receipts or income. Interest accruing after this act becomes effective and received upon any indebtedness, loan or deposit of money, security or investment, and discounts charged, when collected, shall constitute gross receipts. The payment of any obligation for borrowed money, whether such obligation be evidenced by note, bond, or other instrument, or not, and the withdrawal of deposits, shall not, as to the principal of such obligation, constitute gross receipts or income. Gasoline, cigarette, and other special taxes, imposed by the laws of this state, shall remain in full force and effect, but the amount of such taxes paid by the taxpayer shall not be deemed gross income; the receipt of money or property by assignment for the benefit of creditors or as trustees upon the creation of a trust, or the pledge of property for security, shall not be deemed gross income. The receipts of capital by a corporation, copartnership, firm, or joint adventure, for sale of stock in such corporation, copartnership, firm or joint adventure, or contributions to capital by the members of any other organizations, shall not be deemed gross income, but any sums received in excess of the amount of such capital shall be taxable as gross income. Proceeds accruing or proceeding from subsequent transactions in the stock of such corporation or organizations, or in the interests of shares of the members of any organization shall be taxable.

(h) The word "business" shall mean, and include, any activity engaged in, or caused to be engaged in, with the object of gain, benefit, or advantage, either direct or indirect.

(i) The term "manufacturer" shall be deemed to include any person, firm, or corporation, who purchases, receives, or holds personal property of any description for the purpose of adding to the value thereof by any process of manufacturing, refining, purifying, combining of different materials, or by the packing of meats, with a view to selling the same for gain or profit.

(j) The term "includes" and "including", when used in a definition contained herein, shall not be deemed to exclude other things otherwise within the meaning of the term defined.

(k) The term "board" shall mean the Iowa state board of assessment and review.

(l) The term "treasurer" shall mean the treasurers of the various counties of this state.

(m) The term "general service business" shall include all nonprofessional activities engaged in for other persons for a consideration, which involves the rendering of a service as distinguished from the pro-

duction or sale of property, but shall not include the services rendered by an employee to his employer.

Sec. 2. Levy and Rates. From and after the taking effect of this act, there is hereby annually imposed upon each taxpayer, within the meaning of this act, located in or transacting business in the state of Iowa, a tax upon the privilege of such taxpayer to engage or continue in business, such tax being imposed at the rates and under the conditions hereinafter provided, in respect to all business done within this state by such taxpayer, at the rates specified hereinafter for each business or class of business in which such taxpayer engages. The taxes levied by this section shall be assessed, collected and paid at the following specified rates, to-wit:

(a) For the privilege of engaging or continuing within this state in the business of manufacturing, a tax of one-half of one per cent ($\frac{1}{2}\%$) of the gross proceeds received from the sales of such products manufactured and delivered within the state, excluding therefrom deliveries for transportation out of the state; provided, that the amount of such tax imposed upon such proceeds from the sale of food stuffs so manufactured for human consumption and of the by-products of such manufacturing business shall be one-fourth of one per cent ($\frac{1}{4}\%$).

Where the products of a manufacturer are marketed at wholesale in whole or in part through a subsidiary, the subsidiary shall be taxed at the rate provided for the manufacturer of the articles so marketed, and such subsidiary shall make a return and pay the tax upon the proceeds of sales herein taxed, and the parent concern shall not include in its return or pay a tax on the sale or transfer of its product so marketed through its subsidiary.

(b) For the privilege of continuing or engaging in any occupation, trade, profession or calling where the gross income is represented by a compensation in the form of wages or salaries, the amount of the tax levied and imposed by this act shall be equal to the gross income from such business, multiplied by a rate of one per cent (1%) on such income, up to and including \$1,000.00; on all amounts in excess of \$1,000.00 up to and including \$2,000.00, by a rate of one and one-fourth per cent ($1\frac{1}{4}\%$); on all amounts in excess of \$2,000.00 up to and including \$3,000.00, by a rate of two and one-half per cent ($2\frac{1}{2}\%$); on all amounts in excess of \$3,000.00 up to and including \$4,000.00, by a rate of three and one-half per cent ($3\frac{1}{2}\%$); on all amounts in excess of \$4,000.00 up to and including \$5,000.00, by a rate of four and one-half per cent ($4\frac{1}{2}\%$); on all amounts in excess of \$5,000.00 up to and including \$6,000.00 by a rate of five per cent (5%); on all amounts in excess of \$6,000.00 up to and including \$7,000.00, by a rate of six per cent (6%); on all amounts in excess of \$7,000.00 by a rate of seven per cent (7%).

(c) For the privilege of engaging or continuing in any business where the gross income is represented by compensation in the form of fees or commissions, except those persons, firms, individuals, corporations, associations or partnerships engaged in the business of lending money on real estate as financial correspondent, agent, or broker for foreign corporations, firms, individuals, or partnership, the tax levied and imposed by this act shall be equal to the gross income received from such business multiplied by a rate of two and one-half per cent ($2\frac{1}{2}\%$). In all other

cases the tax levied and imposed by this act shall be equal to the gross income received from such business, multiplied by a rate of one per cent (1%) on all amounts up to and including \$2,500.00; upon all amounts in excess of \$2,500.00 up to and including \$5,000.00, by a rate of two per cent (2%); upon all amounts in excess of \$5,000.00 up to and including \$7,500.00, by a rate of three per cent (3%); upon all amounts in excess of \$7,500.00 by a rate of four per cent (4%). When any business referred to in this subsection is engaged in by a partnership, then for the purpose of taxation under this act, the gross receipts shall be deemed to be the gross receipts of the respective individual members of such firm, in proportion to their participation therein, and the tax shall be imposed upon such individual members of the partnership.

(d) For the privilege of engaging or continuing in any business where the gross income is represented by interest or dividends, including stock dividends, the tax levied and imposed by this act shall be equal to the gross receipts received from such business multiplied by a rate of one-half of one per cent ($\frac{1}{2}\%$) on such income, up to and including \$1,000.00; on all amounts in excess of \$1,000.00 up to and including \$2,000.00, by a rate of one per cent (1%); on all amounts in excess of \$2,000.00 up to and including \$3,000.00, by a rate of two per cent (2%); on all amounts in excess of \$3,000.00 up to and including \$4,000.00, by a rate of three per cent (3%); on all amounts in excess of \$4,000.00 up to and including \$5,000.00, by a rate of four per cent (4%); on all amounts in excess of \$5,000.00, by a rate of five per cent (5%).

(e) For the privilege of engaging or continuing in any business, the gross income from which is derived from rents, royalties or discounts, the tax shall be the gross receipts derived from such business, multiplied by a rate of one per cent (1%).

(f) For the privilege of engaging or continuing in the amusement business, including ball games, skating rinks, pool halls, theatres, shows, athletic exhibitions or matches and similar transactions, the amount of such tax shall be an amount equal to the gross receipts received from such source multiplied by two per cent (2%).

(g) For the privilege of engaging or continuing in the business of transportation of persons or property for hire, other than as a street railway, one per cent (1%) upon the entire gross income from such business, originating and terminating within the state.

(h) For the privilege of engaging or continuing in the business of transmitting messages or communications for public hire as a common carrier, the tax shall be an amount equal to the gross receipts received upon all such business originating and terminating within the state, multiplied by two per cent (2%).

(i) For the privilege of engaging in, or continuing in the business of selling goods at retail through stores, agents, solicitors or otherwise, including the business of selling electrical energy, manufactured and natural gas, straight or mixed, water or heat, and all petroleum products, crude and/or refined, except motor vehicle fuel, including natural gas, transported in pipe-lines and when at rest for distribution within the state of Iowa, for sale, use and consumption in said state, where such

sale is intended as a sale to the ultimate consumer and is not intended for processing or resale, the tax shall be computed by multiplying the gross receipts received or derived therefrom during the tax year, within the state of Iowa, by the following rates, to wit:

1. That portion of the gross receipts not in excess of \$50,000.00, by one-half of one per cent ($\frac{1}{2}\%$).
2. That portion of the gross receipts in excess of \$50,000.00, and not in excess of \$100,000.00, by one per cent (1%).
3. That portion of the gross receipts in excess of \$100,000.00 and not in excess of \$150,000.00, by one and one-half per cent ($1\frac{1}{2}\%$).
4. That portion of the gross receipts in excess of \$150,000.00, by two per cent (2%).

For the purpose of this subsection, every person, firm, corporation, municipal corporation, association, partnership or agency whatsoever operating in whole or in part any store, stores, or places of sale or distribution in this state, for the purpose of selling at retail any tangible personal property, or electrical energy, manufactured and natural gas, straight or mixed, water or heat, and all petroleum products, crude and/or refined, except motor vehicle fuel; to consumers or users thereof, shall be considered as a single unit for the collection of taxes under this act, and the rates as provided in this act shall be applied upon the entire volume of all sales made by any such retailer, or retailers, through all retailers. The state board shall provide for joint returns from the retailer in all cases where more than one retail agency, store or establishment is under the same general management, supervision, ownership or control, in whole or in part.

(j) For the privilege of engaging or continuing in the business of farming or livestock raising, or other agricultural pursuits, the tax shall be an amount equal to the total value of the product or products of such business during the tax year at the time such product or products are marketed, multiplied by a rate of one-fourth of one per cent ($\frac{1}{4}\%$).

(k) For the privilege of engaging in or continuing in the business of a "trader", as hereinafter defined, the amount of the tax levied and imposed by this act shall be equal to the gross income received or derived from such business during the tax year, multiplied by a rate of one-twentieth of one per cent ($1/20\%$).

For the purpose of this subsection, a "trader" shall mean a person, partnership or corporation, other than a jobber, wholesaler or retailer, who deals in the purchase of personal property on his or its own account, for the purpose of resale and gain, including dealers, speculators and traders on boards of trade and/or exchange boards.

(l) For the privilege of engaging or continuing in the business of rendering general service of any character, the amount of such tax to be equal to the gross income received from such business, multiplied by a rate of one per cent (1%).

(m) For the privilege of engaging or continuing in the business of wholesaling and jobbing, the amount of such tax to be equal to the total gross income from all sales within the state of Iowa, multiplied by a rate of one-fourth of one per cent ($\frac{1}{4}\%$). No tax shall be imposed upon the wholesaling by any Iowa manufacturer, or articles or commodities pro-

duced by such manufacturer. The term "wholesaling" shall include all taxpayers doing a regularly organized wholesale business known to the trade as such, selling only to registered retail merchants or jobbers.

(n) For the privilege of engaging or continuing in the business of mine-operating, the amount of such tax to be equal to the total gross income from all sales within the state of Iowa, multiplied by a rate of one-fourth of one per cent ($\frac{1}{4}\%$).

(o) For the privilege of engaging or continuing in, or transacting any business within this state, other than those businesses included in the preceding subdivisions of this section, the amount of tax levied and imposed by this act, shall be equal to the gross income derived from such business, multiplied by a rate of one-half of one per cent ($\frac{1}{2}\%$).

Sec. 3. Rules. The board shall prescribe equitable and uniform rules for the interpretation of this act, for the purpose of ascertaining values, and for the purpose of classifying taxpayers and businesses in the administration of this act.

No tax shall be imposed upon any agent where the principal of such agent is taxed upon the privilege of receiving the same income, or for transacting the same business.

Sec. 4. Consolidated returns. (1) All affiliated corporations, as hereinafter defined, may, under regulations to be prescribed by the board, be permitted to make a consolidated return for the taxable year in lieu of separate returns.

(2) As used in this section the words "affiliated group" shall mean one or more corporations connected through stock ownership with a common parent corporation if (a) at least 95 per cent of the stock of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations; and (b) the common parent corporation owns directly at least 95 per cent of the stock of at least one of the other corporations. As used in this sub-section the term "stock" does not include non-voting stock which is limited and preferred as to dividends.

(3) In the case of a corporation which is a member of the affiliated group for a fractional part of the year the consolidated return shall include the income of such corporation for such part of the year as it is a member of the affiliated group.

(4) The gross income of any corporation once included in computing the tax due hereunder shall not again be included as taxable gross income when distributed to affiliated corporations.

(5) In case it shall appear to the board that any arrangement exists in such manner as improperly to reflect the income earned from business properly attributable to the state, the board is authorized and empowered, in such manner and under such rules and regulations as it may determine, equitably to adjust the tax.

Sec. 5. Exempted corporations and organizations. The following organizations and corporations shall be exempt from taxation under this act.

(a) Hospitals and hospital corporations or associations, cemetery corporations, organizations and associations, and corporations organized for religious, charitable, scientific, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual.

(b) Business leagues, chambers of commerce, labor unions and auxiliary organizations, or boards of trade not organized for profit, and no part of the net earnings of which inures to the benefit of any private stockholder or individual, agricultural fairs, livestock and/or poultry shows.

(c) Civic leagues or organizations not organized for profit, but operated exclusively for the promotion of social welfare.

(d) Clubs, organizations or associations organized and operated exclusively for pleasure, recreation, and other non-profitable purposes, no part of the net earnings of which inures to the benefit of any private stockholder or member.

(e) Cooperative organizations not conducted for the profit of the organization, where the entire gross income from its transactions, not used for the payment of its expenses or reserved for losses or reserved in compliance with the statutory requirements, accrues to its members on the basis of their patronage.

(f) Credit unions organized under the provisions of chapter four hundred sixteen-A one (416-A1), code, 1931.

Sec. 6. Exemptions. There are hereby specifically exempted from the provisions of this act, and from the computation of the amount of tax imposed by it, the following:

(a) The proceeds of life insurance premiums and contracts paid upon the death of the insured, or policy loans and cash surrenders made thereunder.

(b) The return of premiums paid under life, endowment or annuity contracts, either during the term or at the termination thereof, or upon the surrender of such contract.

(c) The acquisition by gift, bequest, devise or inheritance of any property or money, but not the income therefrom.

(d) The net proceeds of the sale of livestock and/or grain produced outside this state when shipped or delivered from outside the state, directly to and sold by nonresident owners at public markets within this state.

(e) The receipt of compensation through an accident or health insurance policy, or under the "workmen's compensation act," for personal injury or sickness, or receipt of money from compensation for damages recovered either by suit or by agreement.

(f) The receipt of interest on obligations of the United States or of the state of Iowa, or any subdivision thereunder, or interest upon securities issued under the provisions of federal law where such interest is exempted from taxation by the laws of the United States and of this state.

(g) Salaries, wages or other compensation received from the United States by office or employment thereof and pensions and compensation received from the United States where the same is especially exempted from taxation by law.

(h) The business of banking, the business of insurance, the business of building and loan associations as defined in section 9306 of the Code of Iowa, 1931, business conducted under Chapter 392 of the 1931 Code of Iowa.

(i) The borrowing of money.

(j) Gross receipts derived from engaging in the transportation of persons or goods as a motor carrier under the provisions of chapter two hundred fifty-two-A one (252-A 1), code, 1931, which is now subject to the payment of a privilege tax computed on a rate per ton mile.

Sec. 7. Deductions. There is hereby allowed a deduction of three dollars per annum from the total annual tax imposed against each taxpayer by this act. In the event no tax beyond such deduction is due, then no return shall be required from such taxpayer.

Sec. 8. Registration. Every taxpayer liable for a tax under this act shall on or before the first day of July in each year register with the Board as a taxpayer under this act. Such registration may be made by letter, and shall give the name, place of residence, business, place or places of business and the kind or kinds of business of the taxpayer so registering. Such registration may be made by mail. A taxpayer who neglects or refuses to register as required by this act, shall be denied the privilege of engaging or continuing in business in this state. The taxpayer shall at the request of the Board also supply such other and further information as may be reasonably necessary for the purpose of obtaining a roster of taxpayers. The board shall have authority to require every assessor to furnish to the county auditor a list of taxpayers in his assessing district subject to tax under this law.

Sec. 9. Returns. On or before thirty (30) days after the end of the tax year each taxpayer liable for the payment of a tax under section two (2) of this act shall make a return showing the gross proceeds of sales or gross income of business and compute the amount of tax chargeable against such taxpayer in accordance with the provisions of this act, and deduct the amount of quarterly and/or monthly payments, as hereinbefore provided for, if any, and transmit with such report a remittance covering the residue of the tax chargeable against him, to the office of the county treasurer; such return shall be verified by the oath of the taxpayer, if made by an individual, or by the oath of the president, vice president, secretary or treasurer of a corporation if made on behalf of a corporation. If made on behalf of a partnership, or any other group or combination acting as a unit, any individual delegated by such co-partnership or any other group or combination acting as a unit shall make the oath on behalf of the taxpayer. If for any reason it is not practicable for the individual taxpayer to make the oath, the same may be made by any duly authorized agent. The board, for good cause shown, may extend the time for making the annual return on the application of any taxpayer and grant such reasonable additional time within which to make the same as may, by it, be deemed advisable.

(b) Any taxpayer engaging or continuing during the whole or any part of the tax year in two or more kinds or classes of business as classified in this act, when making returns pursuant to the provisions of this act, shall in such returns segregate the respective portions of gross income derived from each kind or class of business.

(c) Every employer is hereby required to report the names and addresses of every person in his employ who receives a wage or salary and the amount of such wage or salary together with the frequency of

payment. This report shall accompany the annual return of the employer as to his own income.

(d) The county treasurer shall, within ten days after receipt thereof, forward all quarterly estimates and annual reports and returns to the office of the board together with a statement of and a receipt for the amount of tax payments received. The board shall promptly audit all returns.

Sec. 10. The board shall cause suitable forms and blanks to be prepared for all estimates, returns, registrations and reports required by the provisions of this act, and upon request shall furnish the same to any taxpayer or person required to use the same. All estimates, returns, registrations and reports shall be made upon forms and blanks prepared and furnished by the board.

Sec. 11. Errors. If a taxpayer shall make any error in computing the tax assessable against him, the board shall within two years after the time when the annual tax was due, correct such error or reassess the proper amount of taxes and notify the taxpayer of its action by mailing to him promptly a copy of the corrected assessment. Any additional taxes for which such taxpayer may be liable, shall be paid to the treasurer within ten days after the receipt of such notice. If a refund is due, the board shall cause payment of the same to be made to the taxpayer with interest at six per cent per annum from sixty days from the date the tax is paid to the date of refund.

Sec. 12. Faulty Assessment. Procedure. If any taxpayer having made the return provided for by this act, feels aggrieved by the assessment made upon him by the board, he may apply to the board by petition, in writing, within thirty (30) days after notice is mailed to him by the board, for a hearing and a correction of the amount of the tax so assessed upon him by the board, in which petition shall be set forth the reasons why such hearings should be granted and why the amount of such tax should be reduced. The board shall promptly consider such petition, and may grant such hearing or deny the same. If denied, the petitioner shall be forthwith notified thereof; if granted, the board shall notify the petitioner of the time and place fixed for such hearing. After such hearing, the board shall make such order in the matter as may appear to it just and lawful, and shall give notice by furnishing a copy of such order to the petitioner.

Sec. 13. Returns. Failure to Make or Correct. If any taxpayer fails or refuses to make a return or to correct an untrue return, the board shall proceed, in such manner as to it may seem best, to obtain facts and information on which to base the assessment of the tax levied by this act; and to this end may, by itself or its duly appointed agent, make examination of the books, records and papers of any such taxpayer, and may take the testimony on oath of any person who it may believe shall be in possession of facts or information pertinent to the subject of inquiry, which oath any member of the board, or the agent so appointed by it, may administer. As soon as possible after procuring such information as it may be able to obtain with respect to any such taxpayer, the board shall proceed to assess the tax against such taxpayer, and shall notify him of the amount thereof. Such determination shall finally and

irrevocably fix the tax unless the person against whom it is assessed shall, within thirty (30) days after the giving of notice of such determination, apply to the board for a hearing or unless the board of its own motion shall reduce the same. At such hearing evidence may be offered to support such determination or to prove that it is incorrect. After such hearing the board shall give notice of its decision to the taxpayer liable for the tax.

Sec. 14. Appeals. (a) An appeal may be taken by the taxpayer to the district court of the county in which he resides, or in which his principal place of business is located, within sixty (60) days after he shall have received notice from the board of its order made under the provisions of any of the two preceding sections.

(b) The appeal shall be taken by a written notice to the chairman of the board and served as an original notice. When said notice is so served it shall, with the return thereon, be filed in the office of the clerk of said district court, and docketed as other cases, with the taxpayer as plaintiff and the board as defendant. The plaintiff shall file with such clerk a bond for the use of the defendant, with sureties approved by such clerk, in penalty at least double the amount of tax appealed from, and in no case shall the bond be less than \$50.00, conditioned that the plaintiff shall perform the orders of the court.

(c) The court shall hear the appeal in equity and determine anew all questions submitted to it on appeal from the determination of the board. The court shall render its decree thereon and a certified copy of said decree shall be filed by the clerk of said court with the board who shall then correct the assessment in accordance with said decree. An appeal may be taken by the taxpayer or the board to the supreme court of this state in the same manner that appeals are taken in suits in equity, irrespective of the amount involved.

Sec. 15. No injunction to restrain or decree any taxes claimed by the board to be due, shall be issued by any court, but in all cases in which, for any reason it shall be claimed that any tax about to be collected is wrongful or illegal in whole or in part, the remedy, exempt as otherwise expressly provided by this act, shall be by appeal to the district court, as provided in the preceding section.

Sec. 16. Tax a Lien. The tax imposed by this act shall be a lien upon the property of any person subject to the provisions hereof who shall sell out his business or stock of goods, or shall quit business, and such person shall be required to make the return provided for under section eight (8) within thirty days (30) days after the date he sold out his business or stock of goods, or quit business, and his successor in business shall be required to withhold sufficient of the purchase money to cover the amount of said taxes due and unpaid, until such time as the former owner shall produce a receipt from the state board of assessment and review showing that the taxes have been paid. If the purchaser of a business or stock of goods shall fail to withhold purchase money as above provided and the taxes shall be due and unpaid after the thirty-day period allowed, he shall be personally liable for the payment of the taxes accrued and unpaid on account of the operation of the business by the former owner. Every person receiving the proceeds of sale at any public sale of personal

property, either as clerk of such sale, auctioneer or public officer, shall deduct from the proceeds received from such sale the amount of the taxes due under the provisions of this act, and forthwith remit the same to the county treasurer, otherwise he shall be personally liable therefor.

Sec. 17. Delinquency—Penalty. A tax due and unpaid under this act shall constitute a debt due the state and may be collected by action in the proper court for judgment, or other appropriated judicial proceedings, which remedy shall be in addition to all other existing remedies, and upon the filing of a notice of lien with the county recorder of the proper county, it shall constitute a lien upon all the property of the taxpayer and the same shall be collected by distress and sale by the county treasurer, as other taxes are collected, together with an additional five per cent (5%) of the amount of the tax, and the costs of collection, if paid within thirty (30) days after the date it was due, and an additional two per cent (2%) of the amount of the tax for each succeeding thirty (30) days elapsing before the tax shall have been paid; provided, however, that the additional two per cent (2%) penalty shall not be applied until a ten-day notice of delinquency shall have been sent to the taxpayer.

Sec. 18. Tax Year. The assessment of taxes herein made and the returns required therefor shall be for the year ending on the thirty-first day of December; provided, however, that if the taxpayer in transacting his business keeps the books reflecting the same on a basis other than the calendar year, he may, with the assent of the state board of assessment and review, make his annual returns and pay taxes for the year covering his accounting period, as shown by the method of keeping the books of his business.

Sec. 19. Privilege Tax. The taxes imposed by this act shall be paid to the county treasurer of the county of which the tax payer is a resident. If the tax payer be a non resident, the taxes shall be paid to the county treasurer of the county in which the tax payer engages in business, provided, however, if the tax payer be a non resident and engages in business in more than one county, then the taxes shall be paid to the treasurer of state. The treasurer, or treasurer of state receiving such tax shall issue his receipt therefor to the tax payer and shall keep all such moneys received by him in a special fund to be known as "State Tax Fund", to be distributed quarterly upon order of the Board as provided by this act.

Sec. 20. False Return—Penalty. It shall be unlawful for any person to wilfully refuse to make the return provided for in section or to knowingly make any false or fraudulent return or false statements in any return, with intent to defraud the state or to evade the payment of the tax, or any part thereof, or for any person knowingly with intent to defraud, to aid or abet another in any attempt to evade the payment of the tax, or any part thereof, or for the president, vice-president, secretary or treasurer, officer or agent, of any company or association to knowingly make or permit to be made for any company or association any false return, or any false statement in any return required in this act, with intent to evade the payment of any tax, imposed by this act. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be subject to a fine of not more than \$1,000.00, or imprisoned not exceeding one year in the county jail or

punished by both such fine and imprisonment, at the discretion of the court. Any corporation violating any of the provisions of this section shall be subject to a fine not to exceed \$1,000.00.

Sec. 21. Information deemed confidential. 1. It shall be unlawful for the board, or any person having an administrative duty under this act, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation or records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; provided, however, that the board may authorize examination of such returns by other state officers, or, if a reciprocal arrangement exists, by tax officers of another state, or the federal government.

2. Any person violating the provisions of subsection one of this section shall be guilty of a misdemeanor and punishable by a fine not to exceed one thousand dollars (\$1000).

Sec. 22. Administration. It shall be the duty of the board to collect the taxes levied and imposed by this act. The administration of this act is vested in and shall be exercised by the board who shall prescribe forms and reasonable rules of procedure in conformity with this act for making of returns and for the ascertainment, assessment and collection of the taxes imposed hereunder; and the enforcement of any of the provisions of this act in any of the courts of the state shall be under the jurisdiction of the board, which may require the assistance of and act through the county attorney of any county; but the county attorney of any county shall receive no fees or compensation for services rendered in enforcing this act in addition to the salary paid by the county to such officer.

The county treasurer of each county of the state is hereby designated the representative of the board in each county; additional clerical assistance required by him in carrying out the provisions of this act, or orders of the board in compliance therewith, shall be paid out of funds provided for its enforcement and administration. The board shall have power to require other county or state officers to furnish information or perform acts or duties to assist in the administration of this act, the nature of which is within the scope of their official duties.

Sec. 23. The State Tax Fund provided by this act shall be apportioned as follows:

(a) Three per cent (3%) of said fund shall be transferred to the general fund of the state as the same is collected. Out of the amount so transferred to the general fund, appropriations shall be made to the Board for the expense of administering this act. Any unused portion of the three per cent (3%) of said fund transferred to the general fund of the state shall be transferred back to the "State Tax Fund" at the end of the year.

(b) The balance of said fund shall be distributed from time to time upon order of the board in accordance with the provisions of this act, on warrants drawn by the comptroller upon direction of the board and made payable to the county treasurers of the several counties of the state.

Sec. 24. Ratio and manner of distribution. (a) The revenue distributable under subsection (b) of the preceding section of this act shall be allocated each year to the several counties of the state in the same proportion that the assessed valuation of the taxable real and tangible personal property in that county for the next preceding tax year bears to the assessed valuation of the total taxable real and tangible personal property in the state for the next preceding tax year.

(b) On August 1, 1934, and annually thereafter, the board shall certify to the county treasurer of each county in the state, the total amount of the money which has been apportioned and/or is then apportionable to that county.

(c) The county treasurer shall then apply the amount so apportioned to the relief of the several property taxpayers of that county by entering a credit against the second installment of the tax bill of each such taxpayer, being the tax bill of the next preceding tax year, due and payable in the current year, the amount of such credit to be determined by the proportion which the assessed valuation of such taxpayer's taxable real and tangible personal property for the next preceding tax year bears to the total assessed valuation of taxable real and tangible personal property in that county for the next preceding tax year. The amount of money so credited shall be apportioned by the county treasurer to the various taxing districts of said county the same as though the amount thereof had been paid to the treasurer of said county by the taxpayers of said taxing district. In the event that such property taxpayer has paid both installments of the tax at the time the first installment was due and payable, the county treasurer shall at the same time that he enters the aforesaid credit, remit to such property taxpayer the amount of the credit which such taxpayer would be entitled to receive.

Sec. 25. Invalidation. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Sec. 26. Repeal. The tax levied by the provisions of this act shall not be in lieu of any state license, excise or other tax imposed or due under the provisions of any law now in force except as may be herein specifically provided.

All laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

Sec. 27. Publication Clause. This act, being deemed of immediate importance, shall be in full force and effect after its passage and publication in the Keokuk County News, a newspaper published at Sigourney,

Iowa, and in the West Liberty Index, a newspaper published at West Liberty, Iowa.

D. MYRON TRIPP,
FRED W. NELSON,
W. F. MILLER,
ROY E. STEVENS,
ORA E. HUSTED,
E. R. HICKLIN,

LAFE HILL,
CHAS. D. BOOTH,
F. M. BEATTY,
CHRIS REESE,
O. P. BENNETT,
M. MOORE.

Amend Senate File 280 by striking from lines two (2) and three (3) in Section one (1) thereof the following words "the fund of the Department of the Adjutant General appropriated by the forty-fifth General Assembly," and inserting in lieu thereof the following words: "any funds in the State Treasury not otherwise appropriated,".

Also amend Section two (2) of said bill by striking all after word "against" in line six (6) and inserting in lieu thereof the following: "any funds in the State Treasury not otherwise appropriated".

CLAUDE STANLEY.

On motion of Senator Roelofs the Senate adjourned until 10:00 a. m. Thursday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 1, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. E. L. Shaffer, pastor of the Castle Memorial United Brethern Church of Des Moines.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me as Secretary of the Senate, a proof of publication from The Davenport Daily Times, a daily newspaper published at Davenport, Scott county, Iowa, relating to Senate File 211, a bill for an act to legalize certain proceedings of the City Council of Davenport relating to the improvement of certain streets and one alley, by paving. BYRON G. ALLEN, *Secretary of the Senate.*

APPOINTMENT OF CLERK

MR. PRESIDENT: Your committee on clerks has assigned Lucille Turnbull as clerk to Senator Bennett, effective January 23, 1934.

LAFE HILL, *Chairman.*

M. MOORE.

CHRIS REESE.

By unanimous consent, on request of Senator Hill, the report was considered and adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that he had signed, on the thirty-first day of January, the following bills:

Senate File 268, relating to financing the cost of swimming pools, armories, shelter houses, wading pools and river walls, by cities under the commission form of government.

Senate File 177, making an appropriation to Violet Bencke, Nellie Powers and Opal McGarvey.

Senate File 246, legalizing the proceedings relating to the issuing of bonds by the Consolidated School District of Whiting, Monona county, Iowa.

Senate File 148, making an appropriation to Mercy Hospital of Oelwein, Iowa.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 151, a bill for an act to provide an appropriation to defray the expenses of the Supreme Court and the judges thereof during the biennium from July 1, 1933, to June 30, 1935.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 211, a bill for an act relating to the improvement of certain streets and one alley by paving.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 296, a bill for an act relating to payments to the State Printing Board, for work and supplies furnished to certain state departments.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 300, a bill for an act to make an appropriation for the payment of the extra expense of the State Printing Board incurred by and on account of the forty-fifth extraordinary session of the General Assembly.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 326, a bill for an act relating to the refunds of overpayment of motor vehicle license fees.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 90, a bill for an act relating to the transportation of pupils attending school in consolidated school districts.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 235, a bill for an act to make an emergency appropriation to the state department of agriculture for defraying expenses imposed on the said department by the provisions of the unbonded agricultural warehouse act.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 254, a bill for an act to legalize acts and proceedings of Board of Directors of the Rural Independent School District No. 2, Fremont Township, Winneshiek County, Iowa.

Also: That the House has adopted the conference report and concurred in the amendments proposed therein on the following bill:

Senate File No. 281, a bill for an act to make an appropriation for direct relief and/or work relief and expenses incidental thereto for the purpose of caring for the unemployed.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 293, a bill for an act relating to the powers of river front commissions relative to the erection and financing of armories, coliseums and other public buildings. VIRGIL LEKIN, *Chief Clerk.*

Senator Hush was called to the chair at 10:35 a. m.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Harrington, Senate File 283, a bill for an act to authorize certain cities acting under the commission form of government to take title to privately owned armories, to assume the indebtedness existing against said armories and to finance such indebtedness by the issuance of the bonds of the city; also to pledge the yearly net rentals of such armories to the payment of such bonds and the interest thereon; a cities and towns committee bill, was taken up and considered.

Senator Harrington offered the following amendment and moved its adoption:

Amend by adding thereto as Section 2 the following:

"Sec. 2. This act, being deemed of immediate importance, shall be in full force and effect after its passage and publication in the Sioux City Journal, a newspaper published at Sioux City, Iowa, and in the Centerville Daily Iowegian, a newspaper published at Centerville, Iowa."

The amendment was adopted.

The bill was read for information.

Senator Harrington moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Anderson	Harrington	McArthur	Schmidt
Aschenbrenner	Hicklin	Meyer	Stanley
Baldwin	Hill	Miller of	Stevens of
Bennett	Hopkins	Buchanan	Decatur
Booth	Husted	Miller of Jones	Stevens of
Byers	Irwin	Mullaney	Wapello
Chrystal	Kimberly	Nelson	Topping
Coykendall	Klemme	Patterson	Tripp
Doze	Knudson	Pendray	Valentine
Frailey	Leo	Reese	Wilson
Geske			

Nays, 3.

Calhoun

Ritchie

Shangle

Absent or not voting, 8.

Beardsley

Carden

Fisch

Moore

Beatty

Elthon

Hush

Roelofs

Present, 1.

Wenner

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Harrington moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

HOUSE FILE 1 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate, except Senator Fisch.

Senator Fisch was excused, previously, for an indefinite period.

By unanimous consent, on request of Senator Shangle, his amendment to section 41a as found on page 850 of the Senate journal, was withdrawn from further consideration.

Senator Shangle offered the following amendments and moved their adoption:

Amend Division II, Section Five (5) by changing the comma after the parenthesis in line fifteen (15) sub-section (e) to a period; strike out the remainder of line fifteen (15) and all of line sixteen (16) and insert the following:

“(f) On the sixth thousand dollars of taxable income, or any part thereof, six per cent (6%).

“(g) On the seventh thousand dollars of taxable income, or any part thereof, seven per cent (7%).

“(h) On the eighth thousand dollars of taxable income, or any part thereof, eight per cent (8%), and on all taxable income in excess of eight thousand dollars ten per cent (10%).”

Renumber lines seventeen (17) and eighteen (18) to comply with this amendment.

President N. G. Kraschel returned to the chair at 11:35 a. m.

Senator Elthon moved the previous question, which motion prevailed.

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the amendments be adopted?" the vote was:

Ayes, 24.

Aschenbrenner	Coykendall	Leo	Ritchie
Beardsley	Elthon	McArthur	Shangle
Beatty	Hill	Miller of Jones	Stanley
Bennett	Hopkins	Mullaney	Stevens of
Booth	Husted	Nelson	Wapello
Calhoun	Klemme	Patterson	Tripp
Carden			

Nays, 25.

Anderson	Harrington	Miller of	Stevens of
Baldwin	Hicklin	Buchanan	Decatur
Byers	Hush	Moore	Topping
Chrystal	Irwin	Pendray	Valentine
Doze	Kimberly	Reese	Wenner
Frailey	Knudson	Roelofs	Wilson
Geske	Meyer	Schmidt	

Absent or not voting, 1.

Fisch

The amendment was lost.

Senator Wenner offered the following amendments and moved their adoption:

Amend by striking all of Section sixty-one (61), and lines one (1) to forty (40) inclusive, of Section sixty-two (62) and insert in lieu thereof the following:

"Sec. 61. Out of all revenue arising under the operation of this act and carried by the county treasurers and by the treasurer of state in the special tax fund, there shall be paid the following items of state, county and public school expense:

(a) All items of general expense of the state government authorized and appropriated for by the General Assembly.

(b) Salaries of all county officers where the annual salary and employment is fixed by statute.

(c) All other county expenditures or appropriations required by law where the amount and condition precedent to payment does not lie within the discretion of the Board of Supervisors.

(d) To the public school system of the State all additional revenue arising under the operation of this act.

The State Board shall apportion to the several school corporations of the state the funds above provided for in the proportion that the total number of youths subject to enumeration in such school corporations, as shown by the last preceding school census, bears to the total number of such youths in the state as shown by such last preceding school census."

Renumber paragraph "4" of Section sixty-two (62) as "Sec. 62."

Roll call was demanded.

Action was deferred temporarily.

On motion of Senator Shangle, the Senate recessed until 1:30 p. m., today.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel, President pro tempore Harold L. Irwin presiding.

By unanimous consent, on request of Senator Mullaney, the order of business was returned to House messages.

HOUSE MESSAGES CONSIDERED

House File 151, a bill for an act to provide an appropriation to defray the expenses of the Supreme Court and the judges thereof during the biennium from July first nineteen hundred thirty-three to June thirtieth nineteen hundred thirty-five.

Read first and second time and referred to committee on appropriations.

House File 211, a bill for an act to legalize the proceedings of the City Council of the City of Davenport, Iowa, a municipal corporation, by virtue of a special charter, relating to the improvement of certain streets and one alley by paving, without having obtained jurisdiction therefore as provided by Section Sixty-nine thirteen, (6913), Sixty-nine fourteen (6914), and Sixty-nine fifteen (6915), Code, 1927, and any and all other irregularities, and legalizing the special improvement bonds issued to pay for said improvements as provided by Sections Sixty-nine twenty five (6925), and Sixty-nine twenty-six (6926), Code, 1927.

Read first and second time and referred to committee on judiciary No. 2.

House File 296, a bill for an act to amend Section thirty-four (34), Chapter One hundred eighty-eight (188), laws of the forty-fifth General Assembly, relating to payments to the State Printing Board, for work and supplies furnished to certain state departments.

Read first and second time and referred to committee on appropriations.

House File 300, a bill for an act to make an appropriation for the payment of the extra expense of the State Printing Board incurred by and on account of the forty-fifth extraordinary session of the General Assembly.

Read first and second time and referred to committee on appropriations.

House File 326, a bill for an act to repeal section four (4) of House File No. 160, as passed by the Forty-fifth General Assembly in Extraordinary Session (approved January 23, 1934), and to enact a substitute therefor, relating to the refunds of overpayment of motor vehicle license fees.

Read first and second times.

THIRD READING OF BILLS

By unanimous consent, on request of Senator Mullaney, the rules were suspended by which no bill may be read the second and third times on the same day.

By unanimous consent, on motion of Senator Mullaney, House File 326, a bill for an act to repeal section four (4) of House File 160, as passed by the Forty-fifth General Assembly in extraordinary session (approved January 23, 1934), and to enact a substitute therefor, relating to the refunds of overpayment of motor vehicle license fees, was taken up and considered.

The bill was read for information.

Senator Mullaney moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 46.

Aschenbrenner	Frailey	McArthur	Roelofs
Baldwin	Geske	Meyer	Schmidt
Beardsley	Harrington	Miller of	Shangle
Beatty	Hill	Buchanan	Stevens of
Bennett	Hopkins	Miller of Jones	Decatur
Booth	Hush	Moore	Stevens of
Byers	Husted	Mullaney	Wapello
Calhoun	Irwin	Nelson	Topping
Carden	Kimberly	Patterson	Tripp
Chrystal	Klemme	Pendray	Valentine
Coykendall	Knudson	Reese	Wenner
Doze	Leo	Ritchie	Wilson
Elthon			

Nays, none.

Absent or not voting, 4.

Anderson	Fisch	Hicklin	Stanley
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Mullaney moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Mullaney, House File 326 was messaged to the House immediately.

By unanimous consent, on motion of Senator Hopkins, House File 114, a bill for an act to make permanent a temporary transfer made July 18, 1932, approved by the Director of the Budget of the State of Iowa under date of August 4, 1932, of seven thousand dollars (\$7,000.00) from the Secondary Road Construction Fund of Audubon county to the County Poor Fund of said county, with report of judiciary committee No. 2, without recommendation, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Anderson	Elthon	Leo	Reese
Aschenbrenner	Frailey	McArthur	Ritchie
Baldwin	Geske	Meyer	Roelofs
Beardsley	Harrington	Miller of	Stanley
Bennett	Hicklin	Buchanan	Stevens of
Booth	Hill	Miller of Jones	Decatur
Byers	Hopkins	Moore	Stevens of
Carden	Irwin	Mullaney	Wapello
Chrystal	Kimberly	Nelson	Topping
Coykendall	Klemme	Patterson	Wilson
Doze	Knudson	Pendray	

Nays, 3.

Shangle	Tripp	Wenner
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Absent or not voting, 7.

Beatty	Fisch	Husted	Valentine
Calhoun	Hush	Schmidt	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hopkins moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Hicklin, Senate File 285, a bill for an act to legalize the expenditure of the Board of Supervisors of Muscatine county, Iowa, during the year 1933, in the sum of \$11,969.31, from the County Insane Fund, for the maintenance of the County Home, a judiciary No. 2 committee bill, was taken up and considered.

The bill was read for information.

Senator Hicklin moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 45.

Anderson	Frailey	McArthur	Roelofs
Aschenbrenner	Harrington	Meyer	Schmidt
Beardsley	Hicklin	Miller of	Shangle
Beatty	Hill	Buchanan	Stevens of
Bennett	Hopkins	Miller of Jones	Decatur
Booth	Hush	Moore	Stevens of
Byers	Husted	Mullaney	Wapello
Calhoun	Irwin	Nelson	Topping
Carden	Kimberly	Patterson	Tripp
Chrystal	Klemme	Pendray	Valentine
Doze	Knudson	Reese	Wenner
Elthon	Leo	Ritchie	Wilson

Nays, none.

Absent or not voting, 5.

Baldwin	Fisch	Geske	Stanley
Coykendall			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hicklin moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

Senator Valentine moved that the Senate proceed with consideration of House File 1.

The motion prevailed.

HOUSE FILE 1 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate, except Senator Fisch.

Senator Fisch was excused previously for an indefinite period and the call was declared complete.

Consideration of amendment proposed by Senator Wenner, upon which action was deferred for noon recess, was resumed.

Roll call had been demanded previously.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 14.

Baldwin	Harrington	Schmidt	Tripp
Byers	Hicklin	Stevens of	Wenner
Carden	Klemme	Wepello	Wilson
Frailey	Moore	Topping	

Nays, 32.

Anderson	Elthon	Leo	Pendray
Aschenbrenner	Geske	McArthur	Ritchie
Beardsley	Hill	Miller of	Roelofs
Bennett	Hopkins	Buchanan	Shangle
Booth	Hush	Miller of Jones	Stanley
Calhoun	Husted	Mullaney	Stevens of
Chrystal	Irwin	Nelson	Decatur
Coykendall	Kimberly	Patterson	Valentine
Doze	Knudson		

Absent or not voting, 4.

Beatty	Fisch	Meyer	Reese
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The amendment was lost.

Senator Husted offered the following amendment and moved its adoption:

Amend section 62 by inserting the words "and private banks" after the word "stock" in lines 6, 10, 25, and 28, respectively.

The amendment was adopted.

Senator Valentine offered the following amendments and moved their adoption:

Amend by striking from line 6 of Section 29 the word, "domestic".

Further amend by striking from line 4 of Section 44 the word, "15th", and inserting in lieu thereof the word, "20th".

Further amend by striking from line 18 of Section 51, the figures, "47", and inserting in lieu thereof the figures, "46".

Further amend by striking from line 21 of Section 44 the word, "forty-six" and inserting in lieu thereof the word "forty-five".

The amendments were adopted.

Senator Valentine offered the following amendments and moved their adoption:

Amend subsection one (1), Section Thirty-two (32) by adding a period (.) after the word "require" in line ten (10) thereof, striking the remainder of said subsection and adding in lieu of the part so stricken the following:

"The board shall compute, determine and assess the tax upon the combined net income shown by such consolidated return and as apportioned and allocated according to Section 28 of this Act; provided that the term 'taxable income' as used in this act shall not include income represented by dividends received by any one of such corporations from another; and provided further that the income of the dividend paying corporation is reported to and subject to taxation under this act by the state of Iowa."

Amend Section 10 by substituting the word "for" for the word "on" in the eighth (8th) line thereof.

Amend Section 28 by substituting the word "or" for the word "and" in the twenty-sixth (26th) line thereof.

By unanimous consent, on request of Senator Valentine, the amendment was amended by striking from lines 9 and 10 the words "; and provided further that" and inserting in lieu thereof the word "when".

The amendments were adopted.

Senator Wilson offered the following amendment and moved its adoption:

Amend subparagraph (a) of section 29 by inserting after the comma after the word "associations" where it first appears in line eight of said section 29, the following: "reciprocal or inter-insurance exchanges,".

The amendment was adopted.

Senator Beardsley offered the following amendment and moved its adoption:

Amend by adding after the word "deductions" in line 59, section 9, the following words: "in subsection 6".

By unanimous consent, on request of Senator Beardsley, his amendment was amended by striking therefrom the words and figures "in subsection 6" and inserting in lieu thereof the words "in this subsection".

The amendment as amended was adopted.

Senator Harrington offered the following amendment and moved its adoption:

Amend division IV, section 37, by striking all of subsection (c) and inserting in lieu thereof the following:

“(c) ‘Retail sale’ or ‘sale at retail’ means the sale to a consumer or to any person for any purpose, other than for processing or for resale, of tangible personal property and the sale of gas, electricity, water, and communication service to retail consumers or users.”

The amendment was adopted.

Senator Wenner offered the following amendment and moved its adoption:

Amend by striking all of Section sixty-one (61), and lines one (1) to forty (40) inclusive, of Section sixty-two (62), and inserting in lieu thereof the following:

“Sec. 61. Generally. All revenues arising under the operation of this act and carried by the treasurer of state in the special tax fund shall be apportioned as follows:

1. There is hereby appropriated out of the revenue derived from this act, not to exceed three per cent (3%) of the revenue derived therefrom for the expenses incurred by the Board in the carrying out of its provisions.

2. The balance of all revenues arising under the operation of this act, and carried by the county treasurers and by the treasurer of state in the special tax fund, shall be allocated to the several counties of the state in the same proportion that the total amount of general taxes levied and spread on the books on the taxable real and tangible personal property in that county bears to the total general taxes levied and spread on the books on the taxable real and tangible personal property in the state.

3. On August 1, 1934, and annually thereafter the board shall certify to the county treasurer of each county in the state the total amount of the money which has been apportioned and/or is then apportionable to that county.

4. The county treasurer shall then apply the amounts so apportioned to the relief of the several property taxpayers of that county by entering a credit against the second installment of the general tax of such taxpayer, the amount of such credit to be determined by the proportion which such taxpayer's total general taxes levied and spread on the books on taxable real and tangible personal property bears to the total general taxes levied and spread on the books on the taxable real and tangible personal property in that county. The amount of money so credited shall be distributed from said funds in the hands of the county treasurer in the same manner as though said amounts had been paid by the taxpayer. In the event that such property taxpayer has paid his taxes in full prior to date of credit application, the county treasurer shall nevertheless enter the aforesaid credit which shall entitle such taxpayer to refund thereof.

Renumber paragraph “4” of Section sixty-two (62) as “Sec. 62.”

President N. G. Kraschel returned to the chair at 3:08.

Senator Ritchie moved the previous question, on the Wenner amendment, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 14.

Baldwin	Hicklin	Schmidt	Tripp
Byers	Irwin	Stevens of	Wenner
Frailey	Moore	Wapello	Wilson
Harrington	Reese	Topping	

Nays, 35.

Anderson	Doze	Knudson	Patterson
Aschenbrenner	Elthon	Leo	Pendray
Beardsley	Geske	McArthur	Ritchie
Beatty	Hill	Meyer	Roelofs
Bennett	Hopkins	Miller of	Shangle
Booth	Hush	Buchanan	Stanley
Calhoun	Husted	Miller of Jones	Stevens of
Carden	Kimberly	Mullaney	Decatur
Chrystal	Klemme	Nelson	Valentine
Coykendall			

Absent or not voting, 1.
Fisch

The amendment was lost.

Senator Byers offered the following amendment and moved its adoption:

Amend by striking the word "levied" following the word "tax" in line 6 of section 40 and inserting in lieu thereof the word "imposed".

The amendment was adopted.

Senator Wilson offered the following amendment and moved its adoption:

Amend section 59 by striking from line 4 after the period (.) the words "Upon his approval" and inserting in lieu thereof the words "Upon certification from the board".

The amendment was adopted.

Action on House File 1 was temporarily deferred.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully

reports that it has examined and finds correctly enrolled, Senate Files 293 and 281.

HOMER HUSH, *Chairman Senate Committee.*
A. R. WEED, *Member of House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The president of the Senate announced that, as president of the Senate, he had signed in the presence of the Senate, Senate Files 293 and 281.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 1st day of February, 1934, sent to the Governor for his approval, Senate Files 293 and 281. HOMER HUSH, *Chairman.*

Passed on file.

REPORTS OF COMMITTEES

Senator Leo submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred Senate File 100, a bill for an act to regulate the sale of substitutes for lard, begs leave to report it has had the same under consideration and recommends the same do pass. RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred House File 274, a bill for an act to make an appropriation to Ralph Almkuist, begs leave to report it has had the same under consideration and recommends the same do pass. RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred House File 275, a bill for an act to make an appropriation to James Berry and Tolbert Moore, begs leave to report it has had the same under consideration and recommends the same do pass. RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 278, a bill for an act to make an appropriation to Viva Thackrey, Coleman Hospital, Doctors G. H. West and C. H. Miller, Fred J. Sternberg and Fred J. Sternberg, trustee, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

By striking the figures "\$100.00" in line eight (8) of Section one (1) and inserting in lieu thereof the words and figures "\$1,040.00; this amount to be paid in installments of ten dollars (\$10.00) per week for one hundred four (104) consecutive weeks beginning not later than April 1, 1934."

Further amend by adding the following section:

"Sec. 4. This act being deemed of immediate importance shall be in full force and effect after its passage and publication in the Bancroft Register, a newspaper published at Bancroft, Iowa, and the Swea City Herald, a newspaper published at Swea City, Iowa."

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 279, a bill for an act to make an appropriation to D. F. Wolfe, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 280, a bill for an act to make an appropriation to the Secretary of War, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred House File 307, a bill for an act to make an appropriation to C. R. Piercy, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred House File 308, a bill for an act to make an appropriation to Amos Hilton, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred House File 309, a bill for an act to make an appropriation to H. C. Shaw, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred House File 310, a bill for an act to make an appropriation to Honorable Victor Felter, as trustee, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred House File 311, a bill for an act to make an appropriation to H. D. Howard, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred House File 312, a bill for an act to make an appropriation to Mrs. E. A. Brigham and Milton W. Strickler, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred House File 318, a bill for an act to make an appropriation to Mrs. Etta Rock, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred House File 320, a bill for an act to make an appropriation to Dr. F. C. Schadt, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred House File 321, a bill for an act to make an appropriation to Fort Madison Coal and Coke Company, Harry Harding, LaVerne Harding, Clyde Fee, The Electrical Store, Jensen-Dunn Company, Standard Seed Company, Reformatory for Men at Anamosa, Yates American Machine Company, H. J. Nazett, W. H. Frazier, Warden, and T. H. Metfessel, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Senator Byers submitted the following report:

MR. PRESIDENT: Your committee on motor vehicles to which was referred Senate File 135, a bill for an act relating to motor vehicles and the laws of the road and to provide for a road patrol, begs leave to report it has had the same under consideration and recommends the same be amended as follows; but without further recommendation:

Strike out everything after the enacting clause and substitute in lieu thereof the following:

"Section 1. Amend Chapter 251, Code, 1931, by adding the following thereto: 'The department is empowered to designate and appoint not to exceed thirty-eight persons, as a state road patrol, who shall be peace officers, and who shall be charged with the duty of enforcing the provisions of this Chapter.'

"Sec. 2. Qualifications. Before their selection or appointment to such patrol, each applicant shall submit to, and satisfactorily pass a uniform examination for physical and mental fitness, and as nearly as practicable, not more than fifty per cent of the personnel of said patrol shall be selected from the same political party.

"Sec. 3. After six months service any of said appointees shall not be discharged except for the violation of a rule or regulation of the department or because of inefficiency or mental, moral or physical unfitness.

"Sec. 4. Prior to entering upon the discharge of his duties, each of such appointees shall furnish to the department a surety bond to the State of Iowa, conditioned upon the faithful discharge of his duties, in the sum of five thousand dollars (\$5,000.00).

"Sec. 5. The monthly compensation of the members of such patrol shall be fixed by the department, but shall not exceed the following sums: for the chief of the patrol, not to exceed two hundred and fifty dollars (\$250.00) per month; for two supervisors, not to exceed one hundred and seventy-five dollars (\$175.00) each per month; for each patrolman, not to exceed one hundred twenty-five dollars (\$125.00) each per month. Provided further, that the salary of a patrolman may be subject to an increase of five dollars (\$5.00) per month for each year of service until a salary of not to exceed one hundred and forty dollars (\$140.00) per month is reached.

"Sec. 6. No officer or member of such patrol, while continuing as such, shall be a candidate for any public office, or take part in any political campaign.

"Sec. 7. The department is authorized to purchase such equipment and supplies as may be necessary to render said patrol effective, including the premiums on bonds of the members of said patrol, and all such expenditures shall be paid from the maintenance fund of the department.

"Sec. 8. The department is authorized to adopt such administration rules and regulations as may be necessary to execute and render effective the provisions of the six preceding sections.

"Sec. 9. The state comptroller is hereby empowered to set up from the unallocated portion of the maintenance fund of the department a sufficient amount for the payment of expenditures set forth in this act.

"Sec. 10. This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the Wilton Advocate, a weekly newspaper published at Wilton Junction, Iowa, and the Cumberland Enterprise, a newspaper published at Cumberland, Iowa."

FRANK C. BYERS, *Chairman.*

Ordered passed on file.

TELEGRAPHIC COMMUNICATION

1934, February 1, PM 2:30

MRE40 77 Govt Sn Washington DC 1 305P

LIEUTENANT GOVERNOR NELS G. KRASCHEL:

The Farm Credit Administration has promised me that it will increase the capital allotment for the production credit corporations operations in Iowa from one million five hundred seventy-five thousand dollars to three million dollars immediately upon passage by the Iowa Legislature of a bill pending there for modification of the statutory landlords lien. Stop. This additional capital will make available for refinancing of outstanding indebtedness seven million five hundred thousand dollars for barnyard and other loans.

LOUIS MURPHY, *USS.*

The president referred the communication to the committee on emergency legislation.

By unanimous consent, on request of Senator Leo, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File 294, by committee on appropriations, a bill for an act to make an appropriation for the payment of the necessary expenses of the Iowa Commission to Study Liquor Control Legislation appointed by the Governor to study and recommend a plan of liquor control for the State of Iowa.

Read first and second times and placed on the calendar.

HOUSE FILE 211 REREFERRED

By unanimous consent, on request of Senator Hicklin, House File 211 was called from the committee on judiciary No. 2 and rereferred to the committee on cities and towns.

The journal of January 31st was corrected and approved.

EXPLANATION OF VOTE

I desire to make this explanation of my vote on Wednesday, January 31, 1934, at which time I voted in favor of accepting the conference committee's report on Senate File 281.

The bill to appropriate three million dollars was passed by the Senate on January 30th by a vote of 36 to 12. I voted against the passage of the bill. I believed that the care of the poor and the relief of the distressed should be returned to the various counties in the state and that each county should take care of its own. I have not changed my mind as to this view of the care of the poor. My vote in sustaining the conference committee's report was based upon the limitation to be paid per hour for wages for persons hired and paid for out of this fund. I believe that the limitation should be a part of the act, and in order to protect this fund from being spent for high wages, I supported the conference committee's report to limit the same.

CLAUDE STANLEY.

AMENDMENTS FILED

Amend Senate File 173 as follows:

1. In Section Three (3), line five (5), after the words "per annum" strike out the period (.) and insert in lieu thereof the following: ", per truck".

2. In Section Five (5), lines two (2) and three (3), strike out the words "on or before the Fifth (5th) day of January, 1934" and insert in lieu thereof the words "within thirty (30) days after the passage and publication of this act".

WM. BEARDSLEY.

PAUL W. SCHMIDT.

Amend House File 1 by striking out paragraph 3 of Section 62 and substituting the following:

"3. The county treasurer shall then apply the amount so apportioned to the relief of the several property taxpayers of that county by entering a credit against the second installment of the tax bill of each such taxpayer, being the tax bill of the next preceding tax year, due and payable in the current year, the amount of such credit to be determined by the proportion which such taxpayer's total general property taxes levied and spread on the books on his taxable real and tangible personal property, bears to the total general property taxes levied and spread on the books against the taxable real and tangible personal property in that county. The amount of money so credited shall be distributed from said funds

in the hands of the county treasurer in the same manner as though said amounts had been paid by the taxpayer. In the event that such property taxpayer has paid his taxes in full prior to the date on which said credit is to be given him, the county treasurer shall nevertheless enter the aforesaid credit which shall entitle such taxpayer to a refund therefore."

FRANK C. BYERS.

Amend House File 1 by striking division three (3) of section fifty-three (53).

EDW. J. WENNER.

Amend the amendment to House File 1, of Senators Tripp, Nelson and others, appearing at pages 881 to 894 of the Senate Journal as follows:

Amend by striking from lines seven (7) and eight (8) of sub-section (e) of section one (1) the following:

"or spends in the aggregate more than six (6) months within the state,".

Further amend by striking from lines seven (7) and eight (8) of sub-section (a) of section two (2) the following:

"and of the by-products of such manufacturing business".

Further amend by removing sub-sections (b), (c), (d), (e) and (f) from section four (4) and inserting the same so as to follow sub-section (a) of section five (5), as sub-sections (b), (c), (d), (e) and (f) of section five (5).

Further amend by inserting after the word "insurance" in line one (1) of sub-section (h) of section six (6) the following:

"including fraternal and beneficiary insurance."

Further amend by striking sub-section (c) of section two (2) and by substituting in lieu thereof the following:

"(c) For the privilege of engaging or continuing in any business where the gross income is represented by compensation in the form of fees or commissions, the tax levied and imposed by this act shall be equal to the gross income received from such business, multiplied by a rate of one per cent (1%) on all amounts up to and including \$2500.00; upon all amounts in excess of \$2500.00 up to and including \$5000.00, by a rate of two per cent (2%); upon all amounts in excess of \$5000.00 up to and including \$7500.00, by a rate of three per cent (3%); upon all amounts in excess of \$7500.00, by a rate of four per cent (4%); provided however, that for the privilege of engaging or continuing in the business of lending money on real estate as financial correspondent agent, or broker for foreign corporations, firms, individuals, or partnership, for a compensation represented by commissions the tax levied and imposed by this act shall be equal to the gross income received as commissions from such business multiplied by a rate of two and one-half per cent (2½%). When any business referred to in this sub-section is engaged in by a partnership, then for the purpose of taxation under this act, the gross receipts shall be deemed to be the gross receipts of the respective individual members of such firm, in proportion to their participation therein, and the tax shall be imposed upon such individual members of the partnership."

ORA E. HUSTED.

On motion of Senator Wilson the Senate adjourned until 10:00 a. m. Friday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 2, 1934.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. A. R. Weed, pastor of the West Star and Worthington churches of Winterset, Iowa; also member of the House of Representatives.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Ritchie for the day, on request of Senator Patterson; Senator Coykendall for the day, on his own request.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring passage of old age pension bill. Senator McArthur from citizens of Britt. Judiciary No. 2.

Favoring local option. Senator Hopkins from voters of Dallas Center. Liquor control.

Favoring House File 176 regulating direct buying of livestock. Senator Patterson from voters of Emmetsburg, Mallard and Cylinder. Agriculture.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that he had signed on the thirty-first day of January, the following bill: Senate File 269, providing for the segregation by the county treasurer of taxes paid in the year 1934 which were due prior to January 1, 1934.

INTRODUCTION OF BILLS

Senate File 295, by committee on cities and towns, a bill for an act to provide for the creation, maintenance and administration

of a Police Retirement or Pension System and/or a Fire Retirement or Pension System in all cities of this State, including special charter cities and cities under the city manager form of government, that now or may hereafter have Police and/or Fire department employees appointed under Civil Service by requirement of law; providing for payments to such members of said forces who shall be appointed after the date this Act takes effect, in said cities, and to certain dependents; defining the terms used in this Act; providing names by which such Systems shall be known; providing who shall be eligible to benefits and what benefits shall be payable; providing for the creation of Boards of Trustees to manage and administer such Retirement Systems and prescribing their powers, duties and mode of procedure; providing for the method of financing and the creation and disposition of certain funds; providing for contributions from members and appropriations by such cities to finance such Retirement Systems; providing that the payments of all pensions, annuities, retirement allowances, refunds and other benefits granted under the provisions of this Act and all expenses of administration and operation of such Retirement Systems shall be obligations of the said cities; and providing for the exemption of benefits under such Retirement Systems from attachment, execution, garnishment or other legal process; all relating to Retirement Systems applicable only to Civil Service members of Police and/or Fire departments who shall be appointed to such forces after the date this Act takes effect; also, to amend sections six thousand three hundred ten (6310), as amended by the 45th General Assembly, six thousand three hundred eleven (6311); six thousand three hundred fourteen (6314); six thousand three hundred sixteen (6316); six thousand three hundred eighteen (6318); and six thousand three hundred twenty-one (6321); all of the Code, 1931; and to repeal section six thousand three hundred twenty-three (6323), Code, 1931, and to enact a substitute therefor, all relating to pensions for disabled and retired firemen and policemen and civil service members of police and/or fire departments appointed prior to the date this Act takes effect.

Read first and second times and placed on the calendar.

Senate File 296, by committee on cities and towns, a bill for an act to amend Section two thousand two hundred thirty-two (2232), Code, 1931, relating to the appointment of a sanitation and quarantine officer.

Read first and second times and placed on the calendar.

Senate File 297, by committee on cities and towns, a bill for an act to authorize cities and towns, including those cities under special charter, and under the city manager form of government, to procure and pay the premiums on insurance for the benefit of members of volunteer fire departments and their dependents, and providing that such firemen and their dependents in cities and towns failing to procure such insurance shall be entitled to the benefits of Workmen's Compensation; and to amend section fourteen hundred twenty-one (1421), Code, 1931, relating to workmen's compensation.

Read first and second times and placed on calendar.

Senate File 298, by committee on cities and towns, a bill for an act to amend Section five thousand six hundred thirty-five (5635), Code, 1931, relating to appointment of police matrons; and Sections five thousand six hundred ninety-four (5694), and five thousand six hundred ninety-six (5696), Code, 1931, relating to civil service appointments and examinations.

Read first and second times and placed on the calendar.

Senate File 299, by committee on ways and means, a bill for an act to authorize the issuance of a patent to Lots seven (7) and eight (8) in Section twenty-three (23), Township seventy-eight (78), Range twenty-three (23), Polk County, Iowa.

Read first and second times and placed on the calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 181, a bill for an act relating to settlement of poor persons.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 182, a bill for an act relating to the office of state comptroller.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 184, a bill for an act relating to reports on the auditing of financial records of counties, schools, cities and towns.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 20, a bill for an act relating to the salary of the superintendent of the Hospital for Epileptics and School for Feebleminded.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE FILE 1 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate except Senators Coykendall, Elthon, Fisch, Hicklin, Knudson and Ritchie.

Senators Fisch and Coykendall were excused previously.

Senator Reese moved that the call of the Senate be raised for the day and that action on House File 1 be deferred until 10:30 a. m. Monday.

Senator Wenner moved to amend the motion by striking the words "for the day" and substituting in lieu thereof the words and figures "until 10:30 a. m. Monday".

Senator Shangle as a substitute moved that when the Senate adjourns today the call be raised until Monday at 11:00 a. m. for the consideration of tax revision.

Senator Shangle withdrew his substitute motion.

Senator Wilson as a substitute moved that further consideration of tax revision measures be deferred until 10:30 a. m. Monday.

The substitution was made.

The substitute motion was adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, Senate Files 235, 254, 90, and House File 326.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the

Senate, he had signed in the presence of the Senate, Senate Files 235, 254, 90, and House File 326.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 2nd day of February, 1934, sent to the Governor for his approval, Senate Files 235, 254 and 90. HOMER HUSH, *Chairman*.

Passed on file.

THIRD READING OF BILLS

By unanimous consent, on request of Senator Tripp, the rules were suspended by which no bill may be read the second and third times on the same day.

By unanimous consent, on motion of Senator Tripp, Senate File 299, a bill for an act to authorize the issuance of a patent to Lots seven (7) and eight (8) in Section twenty-three (23), Township seventy-eight (78), Range twenty-three (23), Polk County, Iowa, a ways and means committee bill, was taken up and considered.

The bill was read for information.

Senator Tripp moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 41.

Baldwin	Frailey	Meyer	Shangle
Beardsley	Harrington	Miller of	Stanley
Beatty	Hopkins	Buchanan	Stevens of
Bennett	Hush	Miller of Jones	Decatur
Booth	Husted	Moore	Stevens of
Byers	Irwin	Mullaney	Wapello
Calhoun	Kimberly	Nelson	Topping
Carden	Klemme	Patterson	Tripp
Chrystal	Knudson	Pendray	Valentine
Doze	Leo	Roelofs	Wenner
Elthon	McArthur	Schmidt	Wilson

Nays, none.

Absent or not voting, 9.

Anderson	Fisch	Hicklin	Reese
Aschenbrenner	Geske	Hill	Ritchie
Coykendall			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Tripp moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Wenner, Senate File No. 113, a bill for an act to amend Subsection one (1) of Section eleven thousand eight hundred thirty-two (11832) of the Code of Iowa, 1931, relating to the probate powers of the Clerk of the District Court, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Wenner moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Anderson	Doze	Klemme	Pendray
Aschenbrenner	Elthon	Knudson	Roelofs
Baldwin	Frailey	Leo	Schmidt
Beardsley	Harrington	Meyer	Shangle
Beatty	Hicklin	Miller of	Stanley
Bennett	Hill	Buchanan	Stevens of
Booth	Hush	Moore	Wapello
Byers	Husted	Mullaney	Valentine
Calhoun	Irwin	Patterson	Wenner
Carden	Kimberly		

Nays, none.

Absent or not voting, 14.

Chrystal	Hopkins	Reese	Topping
Coykendall	McArthur	Ritchie	Tripp
Fisch	Miller of Jones	Stevens of	Wilson
Geske	Nelson	Decatur	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Wenner moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Schmidt, Senate File 18, a bill for an act to require the use of certain safety equip-

ment on motor vehicles, with report of committee proposing amendment but without further recommendation, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

The following committee amendments were considered:

Amend as follows:

1. In Section one (1), line three (3), after the word "vehicle", insert the following words and comma: "registered in the State of Iowa,".
2. In Section one (1), line seven (7), strike out the word "laminated".
3. In Section two (2), line three (3), after the word "vehicle", insert the following words and comma: "registered in the State of Iowa,".
4. Strike out Section three (3) and insert in lieu thereof the following: "Sec. 3. The term "safety glass" as used in this section shall be construed to mean any product composed of glass, so manufactured, fabricated or treated as substantially to prevent shattering and flying of the glass when struck or broken."

Senator Shangle moved the previous question on the amendments, which motion prevailed.

The amendments were adopted.

Senator Schmidt offered the following amendment and moved its adoption:

Amend section 2, line 6, by striking out the word "laminated".

The amendment was adopted.

By unanimous consent, on request of Senator Schmidt, his amendments as found on pages 131 and 132 were withdrawn from further consideration.

Senator Schmidt moved that the reading previously had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 26.

Anderson	Geske	Knudson	Schmidt
Aschenbrenner	Harrington	Leo	Shangle
Beardsley	Hicklin	Miller of	Stevens of
Byers	Hush	Buchanan	Decatur
Chrystal	Irwin	Mullaney	Topping
Doze	Kimberly	Reese	Valentine
Frailey	Klemme	Roelofs	Wilson

Nays, 19.

Beatty	Elthon	Meyer	Pendray
Bennett	Hill	Miller of Jones	Stanley
Booth	Hopkins	Moore	Stevens of
Calhoun	Husted	Nelson	Wapello
Carden	McArthur	Patterson	Tripp

Absent or not voting, 4.

Baldwin	Coykendall	Fisch	Ritchie
Present, 1.			
Wenner			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Schmidt moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Klemme, House File 78, a bill for an act to repeal section twelve thousand three hundred and seventy-seven (12377), Code, 1931, relating to General Executions for balance, called from committee under rule 35, was taken up and considered.

Senator Booth moved that the bill be rereferred to a committee.

Roll call was demanded.

Action was deferred temporarily.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 223, a bill for an act to create a commission of aeronautics and the provisions thereof.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 315, a bill for an act relating to the power of city or town councils to regulate dance halls. VIRGIL LEKIN, *Chief Clerk.*

Senator Wilson moved to adjourn until 1:30 p. m. today.

The motion prevailed.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel, President N. G. Kraschel presiding.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Hopkins, Senate File 249, a bill for an act to make an appropriation to I. N. Salyers, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Anderson	Harrington	Meyer	Stevens of
Baldwin	Hicklin	Miller of Jones	Decatur
Bennett	Hopkins	Moore	Stevens of
Booth	Hush	Mullaney	Wapello
Byers	Husted	Nelson	Topping
Chrystal	Kimberly	Patterson	Tripp
Doze	Klemme	Pendray	Valentine
Elthon	Knudson	Reese	Wenner
Frailey	Leo	Roelofs	Wilson
Geske	McArthur	Schmidt	

Nays, none.

Absent or not voting, 13.

Aschenbrenner	Carden	Irwin	Ritchie
Beardsley	Ccykendall	Miller of	Shangle
Beatty	Fisch	Buchanan	Stanley
Calhoun	Hill		

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title agreed to.

By unanimous consent, on motion of Senator Hopkins, Senate File 250, a bill for an act to make an appropriation to John Wendt, with report of appropriations committee, without recommendation, was taken up and considered.

The bill was read for information.

Senator Wilson offered the following amendment and moved its adoption:

Amend by striking the enacting clause.

The amendment was adopted.

CONSIDERATION OF HOUSE FILE 78 WAS RESUMED

Senator Booth called up his motion to rerefer House File 78,

upon which action was deferred before recess at noon, and moved its adoption.

Senator Booth moved to amend his motion by adding "until the Senate can obtain satisfactory information from Washington, D. C., concerning the import of the bill."

The motion was adopted and the bill rereferred to the committee on judiciary No. 1.

By unanimous consent, on request of Senator Knudson, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File 300, by committee on insurance, a bill for an act to amend Chapter 148, Acts of the Forty-fifth General Assembly, relating to the investment of funds of insurance companies.

Read first and second times and placed on the calendar.

Senate File 301, by committee on cities and towns, a bill for an act to amend chapter one hundred eleven (111) of the Acts of the Forty-fifth General Assembly of Iowa relating to the establishing and financing of sewage and garbage works by cities and towns.

Read first and second times and placed on the calendar.

HOUSE MESSAGES CONSIDERED

House File 20, a bill for an act to repeal section twelve (12), chapter eighty-nine (89), Acts 45th General Assembly, and to enact a substitute therefor, relating to the salary of the superintendent of the Hospital for Epileptics and School for Feeble-minded.

Read first and second times and referred to committee on judiciary No. 2.

House File 223, a bill for an act to create a commission of aeronautics; to prescribe the powers and duties thereof; to provide for investigations and hearings by said commission; to provide for certain law enforcement duties thereof, and for appeal from the orders of said commission.

Read first and second times and referred to committee on aircraft, transportation and railroads.

House File 315, a bill for an act to amend section fifty-seven

hundred forty-five (5745) code, 1931, relating to the power of city or town councils to regulate dance halls.

Read first and second times and referred to committee on cities and towns.

COPIES SENATE FILE 295 ORDERED

By unanimous consent, on request of Senator Wilson, 600 extra copies of Senate File 295 were ordered printed.

The journal of February 1st was corrected and approved.

REPORT OF COMMITTEE

Senator Anderson submitted the following report:

MR. PRESIDENT: Your committee on departmental affairs to which was referred Senate File 203, a bill for an act relating to the powers and duties of the Iowa State Fair Board, begs leave to report it has had the same under consideration and recommends the same be amended as follows:

Amend Section 1, paragraph 2, subsection 6, by striking in line three thereof the words "fruit, provisions" and inserting in lieu thereof the word "beer". And when so amended to be returned without recommendation.

PAUL ANDERSON, *Chairman.*

Ordered passed on file.

AMENDMENTS FILED

Amend House File 1, section 38, line 2, by striking the words and figures "two per cent (2%)" and inserting in lieu thereof the words and figures "one per cent (1%)".

G. W. PATTERSON.

Amend Senate File 145 by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. The state highway commission is hereby authorized to construct interstate bridges which constitute connecting links between the primary roads of this state and the similar highways of adjoining states, and is also authorized to purchase or condemn privately owned interstate toll bridges which constitute connecting links between the primary roads of this state and similar roads of adjoining states.

"Sec. 2. The state highway commission is hereby authorized to enter into contracts or agreements with the duly constituted federal authorities, the proper officials of adjoining states or political subdivisions of such states, and with the duly constituted officials of counties, towns, and cities, including cities under special charter, of this state, with respect to the construction of interstate bridges which constitute connecting links between the primary roads of this state and similar highways of adjoining states, and with respect to the acquisition, either by purchase or condemnation, and the maintenance of privately owned interstate toll bridges

which constitute connecting links between the primary roads of this state and the similar highways of adjoining states.

"Sec. 3. There is hereby created an interstate bridge fund, which fund shall be used for the purpose of this act and for no other purpose. The state highway commission may set aside each year not more than two per cent (2%) of the primary road fund for said year, which funds so set aside shall be credited to the interstate bridge fund. That portion of the cost of such interstate bridges to be paid by the state of Iowa shall be paid out of the interstate bridge fund.

"Sec. 4. Any county, city, or town of this state, including cities acting under special charter, may by proper agreement cooperate with the state highway commission or federal authorities in the construction, acquisition, and maintenance of such interstate bridge or bridges and may aid in the payment of the cost thereof and may raise funds therefor by the levy of taxes or the issue of bonds or both in the manner and under the conditions now or hereafter authorized by law.

"Sec. 5. This act shall take effect and be in full force from and after its publication in the Allamakee Journal and the Fayette County Union."

VINCENT F. HARRINGTON.

On motion of Senator Frailey the Senate adjourned until 10:00 a. m. Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 5, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Loren E. Lair, pastor of the Fairview Christian Church of Taylor County.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring passage of old age pension bill. Senator Stevens of Wapello from citizens of Eldon. Judiciary No. 2.

Opposing additional gasoline tax. Senator Beardsley from citizens of Murray; Senator Pendray from citizens of Bellevue. Ways and means.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that he had signed, on the 2nd day of February, the following bills:

Senate File 293, relating to the powers of river front commissions.

Senate File 235, relative to the unbanded agricultural warehouse act.

Senate File 254, an act to legalize proceedings of board of directors of the rural independent school district number two, Fremont township, Winneshiek County, Iowa.

Senate File 90, relating to high school tuition.

INTRODUCTION OF BILLS

Senate File 302, by committee on ways and means, a bill for an act to amend chapter one hundred eleven (111), Acts of the

forty-fifth General Assembly, an emergency measure relating to the financing of bonds by cities and towns for the construction, ownership, equipment, operation, maintenance and improvement of works for the collecting and/or treatment, purification and disposal of sewage and garbage.

Read first and second times and placed on the calendar.

HOUSE AMENDMENTS CONSIDERED

Senator Wilson called up for consideration Senate File 153, amended by the House, and moved that the Senate concur in the following amendments:

Amend section two (2), line two (2), by striking the word "shall" and inserting in lieu thereof "may".

Correct the spelling of the word "cancelation" where same appears in the Bill to "cancellation".

Amend the title by striking from line two (2) the word "Section" and inserting in lieu thereof "Chapter".

On the question "Shall the Senate concur?" the vote was:

Ayes, 41.

Aschenbrenner	Geske	Meyer	Roelofs
Beardsley	Harrington	Miller of	Schmidt
Booth	Hicklin	Buchanan	Shangle
Byers	Hill	Miller of Jones	Stanley
Calhoun	Hopkins	Moore	Stevens of
Carden	Hush	Mullaney	Decatur
Chrystal	Husted	Nelson	Stevens of
Doze	Irwin	Patterson	Wapello
Elthon	Kimberly	Pendray	Valentine
Fisch	Klemme	Reese	Wenner
Frailey	Leo	Ritchie	Wilson

Nays, none.

Absent or not voting, 9.

Anderson	Bennett	Knudson	Topping
Baldwin	Coykendall	McArthur	Tripp
Beatty			

The House amendments having received a constitutional majority were declared to have been adopted and concurred in by the Senate.

HOUSE FILE 1 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate except Senators Anderson, Baldwin, Bennett, Coykendall, Topping and Tripp.

Senator Hopkins moved that the Senate proceed with the consideration of claims bills until the call is complete.

The motion prevailed.

President pro tempore Harold L. Irwin was called to the chair at 10:35 a. m.

THIRD READING OF BILLS

On motion of Senator Hopkins Senate File 256, a bill for an act to make an appropriation to the city of Waterloo, Iowa, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Aschenbrenner	Geske	Leo	Roelofs
Beardsley	Hicklin	Meyer	Schmidt
Beatty	Hill	Miller of	Shangle
Booth	Hopkins	Buchanan	Stanley
Byers	Hush	Miller of Jones	Stevens of
Calhoun	Husted	Moore	Decatur
Carden	Irwin	Mullaney	Stevens of
Chrystal	Kimberly	Patterson	Wapello
Doze	Klemme	Reese	Wenner
Fisch	Knudson	Ritchie	Wilson
Frailey			

Nays, none.

Absent or not voting, 12.

Anderson	Coykendall	McArthur	Topping
Baldwin	Elthon	Nelson	Tripp
Bennett	Harrington	Pendray	Valentine

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hopkins Senate File 257, a bill for an act to make an appropriation to the Soldier Valley Mutual Telephone and Telegraph Company, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senators Baldwin and Coykendall appeared in the Senate chamber.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Aschenbrenner	Frailey	Leo	Reese
Beardsley	Geske	Meyer	Ritchie
Beatty	Harrington	Miller of	Roelofs
Booth	Hill	Buchanan	Schmidt
Byers	Hopkins	Miller of Jones	Shangle
Calhoun	Hush	Moore	Stanley
Carden	Husted	Mullaney	Stevens of
Chrystal	Irwin	Nelson	Decatur
Coykendall	Kimberly	Patterson	Wenner
Doze	Klemme	Pendray	Wilson
Fisch	Knudson		

Nays, none.

Absent or not voting, 10.

Anderson	Elthon	Stevens of	Tripp
Baldwin	Hicklin	Wapello	Valentine
Bennett	McArthur	Topping	

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hopkins Senate File 259, a bill for an act to make an appropriation to Robert A. Miller, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senators Anderson, Topping and Tripp appeared in the Senate chamber.

Senator Frailey invoked rule 41.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Anderson	Calhoun	Geske	Irwin
Aschenbrenner	Carden	Harrington	Kimberly
Baldwin	Coykendall	Hicklin	Klemme
Beardsley	Doze	Hill	Knudson
Beatty	Elthon	Hopkins	Leo
Booth	Fisch	Hush	McArthur
Byers	Frailey	Husted	Meyer

Miller of Buchanan	Mullaney Nelson	Ritchie Roelofs	Stanley Topping
Miller of Jones	Reese	Schmidt	Wenner
Moore			

Nays, 1.

Shangle

Absent or not voting, 9.

Bennett	Pendray	Stevens of	Valentine
Chrystal	Stevens of	Wapello	Wilson
Patterson	Decatur	Tripp	

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 269, a bill for an act relating to the time, place and manner of weighing bread.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 284, a bill for an act relating to the rate of interest on public deposits.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 295, a bill for an act relating to drainage refunding bonds.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 313, a bill for an act pertaining to investments of building and loan associations and to authorize such associations to accept bonds of Home Owner's Loan Corporation in payment or exchange for notes and mortgages.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 236, a bill for an act to provide for increasing annual fees to be paid to the Auditor of State by building and loan Associations.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE FILE 1 RESUMED

Roll call revealed the presence of all members of the Senate except Senator Bennett.

Senator Frailey moved that all absent Senators be excused from the call and that the Senate proceed with tax revision.

Senator Booth moved to amend by making the excuse temporary.

Roll call was demanded.

On the question "Shall the motion prevail?" the vote was:

Ayes, 32.

Baldwin	Fisch	Miller of	Shangle
Beatty	Geske	Buchanan	Stanley
Booth	Hicklin	Moore	Stevens of
Calhoun	Hush	Nelson	Wapello
Carden	Husted	Patterson	Topping
Chrystal	Knudson	Reese	Tripp
Coykendall	Leo	Ritchie	Wenner
Doze	Meyer	Roelofs	Wilson
Elthon		Schmidt	

Nays, 10.

Anderson	Hill	Klemme	Stevens of
Byers	Hopkins	Mullaney	Decatur
Frailey	Kimberly	Pendray	

Absent or not voting, 8.

Aschenbrenner	Bennett	Irwin	Miller of Jones
Beardsley	Harrington	McArthur	Valentine

The amendment to the motion was adopted.

The motion as amended was adopted.

President N. G. Kraschel returned to the chair at 10:57 a. m.

Senator Byers offered the following amendment and moved its adoption:

Amend by striking out paragraph 3 of Section 62 and substituting the following:

"3. The county treasurer shall then apply the amount so apportioned to the relief of the several property taxpayers of that county by entering a credit against the second installment of the tax bill of each such taxpayer, being the tax bill of the next preceding tax year, due and payable in the current year, the amount of such credit to be determined by the proportion which such taxpayer's total general property taxes levied and spread on the books on his taxable real and tangible personal property, bears to the total general property taxes levied and spread on the books against the taxable real and tangible personal property in that county. The amount of money so credited shall be distributed from said funds in the hands of the county treasurer in the same manner as though said amounts had been paid by the taxpayer. In the event that such property taxpayer has paid his taxes in full prior to the date on which said credit is to be given him, the county treasurer shall nevertheless enter the aforesaid credit which shall entitle such taxpayer to a refund therefor."

Senator Stevens of Wapello was called to the chair at 11:01 a. m.

President N. G. Kraschel returned to the chair at 11:10 a. m.

Senator Shangle raised the point of order that the subject matter in the pending amendment was the same as that contained in the Wenner amendment, which failed of adoption, as shown on page 906 of the Senate journal.

The President ruled that there was sufficient difference in the amendment to justify its consideration.

Roll call was demanded on the Byers amendment.

Senator Frailey moved the previous question.

Senator Wenner raised the point of order that the motion was out of order as Senator Frailey had spoken previous to the motion.

The President ruled the point of order well taken.

Discussion was resumed.

Senator Reese moved the previous question, which motion prevailed.

Senator Frailey raised the point of order that the previous question had prevailed and under the guise of making speeches of personal privilege several Senators were making further speeches on the amendment—which were out of order.

The President held that he would not stand in the way of any Senator arising for a point of personal privilege.

Senator Bennett appeared in the Senate chamber and the call was declared complete.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 18.

Baldwin	Harrington	Moore	Topping
Bennett	Hicklin	Reese	Tripp
Byers	Hill	Schmidt	Wenner
Fisch	Irwin	Stevens of	Wilson
Frailey	Kimberly	Wapello	

Nays, 32.

Anderson	Calhoun	Elthon	Klemme
Aschenbrenner	Carden	Geske	Knudson
Beardsley	Chrystal	Hopkins	Leo
Beatty	Coykendall	Hush	McArthur
Booth	Doze	Husted	Meyer

Miller of Buchanan	Nelson Patterson	Roelofs Shangle	Stevens of Decatur
Miller of Jones	Pendray	Stanley	Valentine
Mullaney	Ritchie		

Absent or not voting, none.

The amendment was lost.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendment to the following bill in which the concurrence of the House was asked:

House File No. 235, a bill for an act to invest the Auditor of State with power to authorize treasurers of any taxing district or political sub-division in certain instances to discontinue the carrying of certain items of account on the books of his office. VIRGIL LEKIN, *Chief Clerk.*

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, Senate Files 181, 182, 184, and House File 114.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate Files 181, 182, 184, and House File 114.

Senator Shangle moved that the Senate recess until 1:30 p. m., today.

Senator Frailey moved to amend by making the time 1:00 p. m.

The amendment was lost.

The motion prevailed and the Senate recessed until 1:30 p. m., today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel,

HOUSE FILE 1 RESUMED

Under the call, roll call revealed the presence of all members of the Senate except Senators Anderson, Chrystal, Coykendall and Fisch.

Senator Pendray moved that Senator Fisch be excused from the call for the afternoon.

The motion prevailed.

Senator Wenner offered the following amendment and moved its adoption:

Amend by striking subsection three (3) of section fifty-three (53).

Senators Chrystal and Coykendall appeared in the Senate chamber.

The amendment was adopted.

Senator Harrington moved that action on House File 1 be deferred until 10:00 a. m., tomorrow.

Roll call was demanded.

On the question "Shall the motion to defer prevail?" the vote was:

Ayes, 29.

Aschenbrenner	Kimberly	Pendray	Stevens of
Baldwin	McArthur	Reese	Wapello
Byers	Meyer	Ritchie	Topping
Chrystal	Miller of	Roelofs	Tripp
Coykendall	Buchanan	Schmidt	Valentine
Doze	Moore	Shangle	Wenner
Geske	Mullaney	Stevens of	Wilson
Harrington	Patterson	Decatur	
Irwin			

Nays, 17.

Beardsley	Carden	Hopkins*	Knudson
Beatty	Elthon	Hush	Leo
Bennett	Frailey	Husted	Nelson
Booth	Hill	Klemme	Stanley
Calhoun			

Absent or not voting, 4.

Anderson	Fisch	Hicklin	Miller of Jones
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The motion to defer prevailed.

By unanimous consent, on request of Senator Hopkins, claim bills were considered.

THIRD READING OF BILLS

On motion of Senator Hopkins, Senate File 260, a bill for an act to make an appropriation to Dan Rhodes, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had been considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Aschenbrenner	Geske	McArthur	Schmidt
Beardsley	Hicklin	Meyer	Shangle
Bennett	Hill	Miller of	Stanley
Booth	Hopkins	Buchanan	Stevens of
Byers	Hush	Mullaney	Decatur
Calhoun	Husted	Nelson	Stevens of
Carden	Irwin	Patterson	Wapello
Coykendall	Kimberly	Pendray	Topping
Doze	Klemme	Reese	Wenner
Elthon	Knudson	Ritchie	Wilson
Frailey	Leo	Roelofs	

Nays, none.

Absent or not voting, 10.

Anderson	Chrystal	Miller of Jones	Tripp
Baldwin	Fisch	Moore	Valentine
Beatty	Harrington		

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hopkins, Senate File 263, a bill for an act to make an appropriation to Cornell College, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had been considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Aschenbrenner	Byers	Elthon	Hopkins
Baldwin	Calhoun	Frailey	Husted
Beatty	Carden	Geske	Irwin
Bennett	Coykendall	Hicklin	Kimberly
Booth	Doze	Hill	Klemme

Knudson	Mullaney	Ritchie	Stevens of
Leo	Nelson	Roelofs	Wapello
McArthur	Patterson	Stanley	Topping
Miller of	Pendray	Stevens of	Wenner
Buchanan	Reese	Decatur	Wilson
Miller of Jones			

Nays, 2.

Meyer	Shangle
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Absent or not voting, 10.

Anderson	Fisch	Moore	Tripp
Beardsley	Harrington	Schmidt	Valentine
Chrystal	Hush		

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hopkins, Senate File 266, a bill for an act to make an appropriation to certain veterinarians employed by the Department of Agriculture in special cases to cover fees and mileage, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Aschenbrenner	Doze	Klemme	Roelofs
Baldwin	Elthon	Knudson	Schmidt
Beardsley	Frailey	Leo	Shangle
Beatty	Geske	Meyer	Stevens of
Bennett	Hicklin	Miller of Jones	Decatur
Booth	Hill	Mullaney	Stevens of
Byers	Hopkins	Patterson	Wapello
Calhoun	Husted	Pendray	Wenner
Carden	Irwin	Reese	Wilson
Coykendall	Kimberly	Ritchie	

Nays, 1.

Miller of
Buchanan

Absent or not voting, 12.

Anderson	Harrington	Moore	Topping
Chrystal	Hush	Nelson	Tripp
Fisch	McArthur	Stanley	Valentine

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hopkins, Senate File 278, a bill for an act to make an appropriation to Viva Thackrey, Coleman Hospital, Doctors G. H. West and C. H. Miller, Fred J. Sternborg and Fred J. Sternborg, trustee, with report of appropriations committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

The following amendments were considered:

Amend by striking the figures "\$100.00" in line eight (8) of Section one (1) and inserting in lieu thereof the words and figures "\$1,040.00; this amount to be paid in installments of ten dollars (\$10.00) per week for one hundred four (104) consecutive weeks beginning not later than April 1, 1934."

Further amend by adding the following section:

"Sec. 4. This act being deemed of immediate importance shall be in full force and effect after its passage and publication in the Bancroft Register, a newspaper published at Bancroft, Iowa, and the Swea City Herald, a newspaper published at Swea City, Iowa."

President pro tempore Harold L. Irwin was called to the chair at 2:40 p. m. today.

The amendments were adopted.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Anderson	Doze	Leo	Schmidt
Aschenbrenner	Frailey	McArthur	Stanley
Baldwin	Geske	Miller of	Stevens of
Beardsley	Harrington	Buchanan	Decatur
Beatty	Hicklin	Moore	Stevens of
Bennett	Hopkins	Mullaney	Wapello
Booth	Hush	Nelson	Topping
Byers	Husted	Patterson	Tripp
Calhoun	Irwin	Pendray	Valentine
Carden	Kimberly	Ritchie	Wilson
Coykendall	Knudson	Roelofs	

Nays, 5.

Elthon	Meyer	Shangle	Wenner
Klemme			

Absent or not voting, 4.

Chrystal	Fisch	Miller of Jones	Reese
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Present, 1.

Hill

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hopkins, Senate File 280, a bill for an act to make an appropriation to the Secretary of War, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Stanley offered the following amendments and moved their adoption:

Amend by striking from lines two (2) and three (3) in Section one (1) thereof the following words "the fund of the Department of the Adjutant General appropriated by the forty-fifth General Assembly," and inserting in lieu thereof the following words: "any funds in the State Treasury not otherwise appropriated,".

Also amend Section two (2) of said bill by striking all after word "against" in line six (6) and inserting in lieu thereof the following: "any funds in the State Treasury not otherwise appropriated".

The amendments were adopted.

Senator Stanley moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?" the vote was:

Ayes, 38.

Anderson	Geske	McArthur	Shangle
Aschenbrenner	Harrington	Meyer	Stanley
Baldwin	Hicklin	Miller of	Stevens of
Beatty	Hopkins	Buchanan	Decatur
Bennett	Hush	Moore	Stevens of
Booth	Irwin	Mullaney	Wapello
Byers	Kimberly	Nelson	Topping
Carden	Klemme	Patterson	Tripp
Coykendall	Knudson	Pendray	Wenner
Doze	Leo	Schmidt	Wilson
Frailey			

Nays, none.

Absent or not voting, 12.

Beardsley	Elthon	Husted	Ritchie
Calhoun	Fisch	Miller of Jones	Roelofs
Chrystal	Hill	Reese	Valentine

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on request of Senator Stanley, Senate File 271, a similar bill to the one just passed, was withdrawn from further consideration.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 5th day of February, 1934, sent to the Governor for his approval, Senate Files 181, 182 and 184. HOMER HUSH, *Chairman*.

Passed on file.

EXPLANATION OF VOTE

I desire to make this explanation of my vote on Tuesday, January 30, 1934, at which time I voted against Senate File 281.

The bill to appropriate three million dollars was passed by the Senate on January 30th by a vote of 36 to 12. I voted against this measure because I seemed to see the handwriting on the wall indicating that both our state and national governments are starting something which ultimately will result in financial disaster. I am ready and willing to help the honest poor and needy, but am not willing to help those who call themselves poor but live in luxury and idleness and will not work. The taxpayers of the state already are burdened in order to raise funds for the so-called poor and needy. If this Senate File 281 becomes a law, we are putting still another load of three million dollars on the backs of the taxpayers, and that is why I voted against the bill. WM. H. KLEMME.

The journal of February 2d was corrected and approved.

AMENDMENTS FILED

Amend Senate File 32 by striking out everything after the enacting clause, and inserting in lieu thereof the following:

"Section 1. That the law as it appears in section nine thousand four hundred and twenty (9420) of the Code of Iowa, 1931, be and the same is hereby amended by striking out everything after the word 'three' in line six (6) thereof, and inserting in lieu thereof the following: 'per cent (3%) per month on any part of the unpaid principal balance of the loan in excess of One Hundred Dollars (\$100.00), and two and one-half per cent (2½%) per month on any remainder of the unpaid principal balance of the loan.'"

WILLIAM CARDEN.

Amend Senate File 35 by striking out everything after the enacting clause, and inserting in lieu thereof the following:

"Section 1. That the law as it appears in section nine thousand four hundred and twenty (9420) of the Code of Iowa, 1931, be and the same is hereby amended by striking out everything after the word 'three' in line six (6) thereof, and inserting in lieu thereof the following: 'per cent per month on any part of the unpaid principal balance of the loan not in excess of One Hundred Dollars (\$100.00), and two and one-half per cent (2½%) per month on any remainder of the unpaid principal balance of the loan.'"

WILLIAM CARDEN.

Amend House File 40 by striking out everything after the enacting clause, and inserting in lieu thereof the following:

"Section 1. That the law as it appears in section nine thousand four hundred and twenty (9420) of the Code of Iowa, 1931, be and the same is hereby amended by striking out everything after the word 'three' in line six (6) thereof, and inserting in lieu thereof the following: 'per cent (3%) per month on any part of the unpaid principal balance of the loan in excess of One Hundred Dollars (\$100.00), and two and one-half per cent (2½%) per month on any remainder of the unpaid principal balance of the loan.'"

WILLIAM CARDEN.

Amend Senate File 58 by striking out everything after the enacting clause, and inserting in lieu thereof the following:

"Section 1. That the law as it appears in section nine thousand four hundred and twenty (9420) of the Code of Iowa, 1931, be and the same is hereby amended by striking out everything after the word 'three' in line six (6) thereof, and inserting in lieu thereof the following: 'per cent (3%) per month on any part of the unpaid principal balance of the loan in excess of One Hundred Dollars (\$100.00), and two and one-half per cent (2½%) per month on any remainder of the unpaid principal balance of the loan.'"

WILLIAM CARDEN.

I move as a substitute for all pending amendments to Senate File 32 the following:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section ninety-four hundred twenty (9420) Code, 1931, is amended by striking the period at the end of said section after the word 'month', and adding thereto the following: 'on any part of the unpaid principal balance of the loan not in excess of one hundred fifty dollars (\$150.00) and two and one-half per cent (2½%) per month on any remainder of the unpaid principal balance of the loan.'"

VINCENT F. HARRINGTON.

I move as a substitute for all pending amendments to Senate File 35, the following: Amend by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section ninety-four hundred twenty (9420) Code 1931, is amended by striking the period at the end of said section after the word 'month', and adding thereto the following: 'on any part of the unpaid principal balance of the loan not in excess of one hundred fifty dollars (\$150.00) and two and one-half per cent (2½%) per month on any remainder of the unpaid principal balance of the loan.'"

VINCENT F. HARRINGTON.

I move as a substitute for all pending amendments to House File 40 the following:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section ninety-four hundred twenty (9420) Code, 1931, is amended by striking the period at the end of said section after the word

'month', and adding thereto the following: 'on any part of the unpaid principal balance of the loan not in excess of one hundred fifty dollars (\$150.00) and two and one-half per cent (2½%) per month on any remainder of the unpaid principal balance of the loan.'

VINCENT F. HARRINGTON.

I move as a substitute for all pending amendments to Senate File 58, the following: Amend by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section ninety-four hundred and twenty (9420) Code, 1931, is amended by striking the period at the end of said section after the word 'month', and adding thereto the following: 'on any part of the unpaid principal balance of the loan not in excess of one hundred fifty dollars (\$150.00) and two and one-half per cent (2½%) per month on any remainder of the unpaid principal balance of the loan.'

VINCENT F. HARRINGTON.

Amend the substitute motion offered by Senator Harrington seeking to amend Senate File 32 by striking out of said substitute motion after the word "following" these words: "on any part of the unpaid principal balance of the loan not in excess of One Hundred and Fifty Dollars (\$150.00) and two and one-half per cent (2½%) per month on any remainder of the unpaid principal balance of the loan", and inserting in lieu thereof this language, "on any part of the unpaid principal balance of the loan not in excess of One Hundred Dollars (\$100.00) and two and one-half per cent (2½%) per month on any portion of the unpaid principal balance of the loan above One Hundred Dollars (\$100.00) and not in excess of Two Hundred Dollars (\$200.00) and two per cent (2%) per month on any portion of the unpaid principal balance of the loan above Two Hundred Dollars (\$200.00)".

EDW. J. WENNER.

Amend the substitute motion offered by Senator Harrington seeking to amend Senate File 35 by striking out of said substitute motion after the word "following" these words: "on any part of the unpaid principal balance of the loan not in excess of One Hundred and Fifty Dollars (\$150.00) and two and one-half per cent (2½%) per month on any remainder of the unpaid principal balance of the loan", and inserting in lieu thereof this language, "on any part of the unpaid principal balance of the loan not in excess of One Hundred Dollars (\$100.00) and two and one-half per cent (2½%) per month on any portion of the unpaid principal balance of the loan above One Hundred Dollars (\$100.00) and not in excess of Two Hundred Dollars (\$200.00) and two per cent (2%) per month on any portion of the unpaid principal balance of the loan above Two Hundred Dollars (\$200.00)".

EDW. J. WENNER.

Amend the substitute motion offered by Senator Harrington seeking to amend House File 40 by striking out of said substitute motion after the word "following" these words: "on any part of the unpaid principal balance of the loan not in excess of One Hundred and Fifty Dollars (\$150.00) and two and one-half per cent (2½%) per month on any remainder of the unpaid principal balance of the loan", and inserting in lieu

thereof this language, "on any part of the unpaid principal balance of the loan not in excess of One Hundred Dollars (\$100.00) and two and one-half per cent (2½%) per month on any portion of the unpaid principal balance of the loan above One Hundred Dollars (\$100.00) and not in excess of Two Hundred Dollars (\$200.00) and two per cent (2%) per month on any portion of the unpaid principal balance of the loan above Two Hundred Dollars (\$200.00)".

EDW. J. WENNER.

Amend the substitute motion offered by Senator Harrington seeking to amend Senate File 58 by striking out of said substitute motion after the word "following" these words: "on any part of the unpaid principal balance of the loan not in excess of One Hundred and Fifty Dollars (\$150.00) and two and one-half per cent (2½%) per month on any remainder of the unpaid principal balance of the loan", and inserting in lieu thereof this language, "on any part of the unpaid principal balance of the loan not in excess of One Hundred Dollars (\$100.00) and two and one-half per cent (2½%) per month on any portion of the unpaid principal balance of the loan above One Hundred Dollars (\$100.00) and not in excess of Two Hundred Dollars (\$200.00) and two per cent (2%) per month on any portion of the unpaid principal balance of the loan above Two Hundred Dollars (\$200.00)".

EDW. J. WENNER.

Amend House File 313 by inserting a period after the word "assets" in line 9, Section 1, and striking the words "at par value".

WM. S. BEARDSLEY.

On motion of Senator Tripp the Senate adjourned until 10:00 a. m. Tuesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 6, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. P. M. Thomas, pastor of the First Friends Church of Des Moines.

PETITIONS AND MEMORIALS

The following petition was presented and referred to the designated committee:

Opposing additional gasoline tax. Senator Wenner from voters of Waterloo. Ways and means.

INTRODUCTION OF BILLS

Senate File 303, by claims committee, a bill for an act to make an appropriation to Lyon County, Iowa.

Read first and second times and referred to committee on appropriations.

Senate File 304, by claims committee, a bill for an act to make an appropriation to Inter City Bus Line.

Read first and second times and referred to committee on appropriations.

Senate File 305, by claims committee, a bill for an act to make an appropriation to Nettie Mae Bennett and to E. D. Marshall.

Read first and second times and referred to committee on appropriations.

Senate File 306, by claims committee, a bill for an act to make an appropriation to I. J. Petri.

Read first and second times and referred to committee on appropriations.

Senate File 307, by claims committee, a bill for an act to make an appropriation to A. R. Walton.

Read first and second times and referred to committee on appropriations.

Senate File 308, by claims committee, a bill for an act to make an appropriation to W. F. Bellamy.

Read first and second times and referred to committee on appropriations.

Senate File 309, by claims committee, a bill for an act to make an appropriation to the Dallas County News and to C. W. Havenstein.

Read first and second times and referred to committee on appropriations.

Senate File 310, by claims committee, a bill for an act to make an appropriation to Leonard Ruback and Richard Ruback.

Read first and second times and referred to committee on appropriations.

HOUSE MESSAGES CONSIDERED

House File 236, a bill for an act to provide for increasing annual fees to be paid to the Auditor of State by building and loan associations; to provide for appointment by the Auditor of State of a chief examiner of building and loan associations; to fix the maximum salary of such chief examiner; to make appropriation for the same and to repeal sections ninety-three hundred twenty-three (9323) to ninety-three hundred twenty-seven (9327) both inclusive, ninety-three hundred thirty-two (9332), ninety-three hundred thirty-five (9335), ninety-three hundred thirty-seven (9337), ninety-three hundred thirty-eight (9338), ninety-three hundred forty-five (9345) and ninety-three hundred fifty-nine (9359) and ninety-three hundred eighty-one (9381), Code, 1931, together with amendments thereto, and to amend section ninety-three hundred and eighty (9380), Code, 1931.

Read first and second times and referred to committee on banks and banking.

House File 269, a bill for an act to amend the law as it appears

in sections thirty-two hundred forty-four-b one (3244-b1), thirty-two hundred forty-four-b three (3244-b3) and thirty-two hundred forty-four-b six (3244-b6), Code, 1931, relating to certain standards as to weight of bread, providing penalties for violation, and authorizing the Secretary of Agriculture to make rules and regulations for the enforcement of the law pertaining to bread, and amending Chapter one hundred sixty-one (161), Code, 1931, relating to the time, place and manner of weighing bread.

Read first and second times and referred to committee on agriculture.

House File 284, a bill for an act to amend section seventy-four hundred twenty-d six (7420-d6), Code, 1931, relating to the rate of interest on public deposits.

Read first and second times and referred to committee on banks and banking.

House File 295, a bill for an act to repeal section seven thousand seven hundred fourteen b-one (7714-b1), Code, 1931, relating to drainage refunding bonds, and to enact a substitute therefor, to amend section seven thousand seven hundred fourteen b-ten (7714-b10), Code, 1931, relating to drainage refunding bonds, and to amend Chapter three hundred fifty-eight b-one (358-b1), Code, 1931, relating to drainage refunding bonds, by adding thereto section seven thousand seven hundred fourteen c-one (7714-c1) relating to the redemption of land sold for failure to pay drainage assessments.

Read first and second times and referred to committee on drainage.

House File 313, a bill for an act to amend Section ninety-three hundred forty-b1 (9340-b1), Code, 1931, as amended, pertaining to investments of building and loan associations and to authorize such associations to accept bonds of Home Owners' Loan Corporation in payment or exchange for notes and mortgages.

Read first and second times and referred to committee on banks and banking.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, House File 235.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House File 235.

By unanimous consent, on request of Senator Hopkins, the following claims bills were taken up and considered.

THIRD READING OF BILLS

On motion of Senator Hopkins, House File 275, a bill for an act to make an appropriation to James Berry and Tolbert Moore, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Anderson	Geske	Leo	Ritchie
Baldwin	Harrington	McArthur	Roelofs
Beardsley	Hill	Meyer	Schmidt
Booth	Hopkins	Miller of Jones	Stanley
Byers	Hush	Moore	Stevens of
Calhoun	Irwin	Mullaney	Decatur
Carden	Kimberly	Patterson	Valentine
Chrystal	Klemme	Pendray	Wenner
Elthon	Knudson	Reese	Wilson
Fisch			

Nays, none.

Absent or not voting, 14.

Aschenbrenner	Doze	Miller of	Stevens of
Beatty	Frailey	Buchanan	Wapello
Bennett	Hicklin	Nelson	Topping
Coykendall	Husted	Shangle	Tripp

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hopkins, House File 307, a bill for an act to make an appropriation to C. R. Piercy, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 34.

Anderson	Geske	McArthur	Roelofs
Baldwin	Harrington	Meyer	Schmidt
Calhoun	Hopkins	Miller of Jones	Stanley
Carden	Hush	Moore	Stevens of
Chrystal	Irwin	Mullaney	Decatur
Doze	Kimberly	Patterson	Valentine
Elthon	Klemme	Pendray	Wenner
Fisch	Knudson	Reese	Wilson
Frailey	Leo	Ritchie	

Nays, none.

Absent or not voting, 16.

Aschenbrenner	Byers	Miller of	Stevens of
Beardsley	Coykendall	Buchanan	Wapello
Beatty	Hicklin	Nelson	Topping
Bennett	Hill	Shangle	Tripp
Booth	Husted		

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hopkins, House File 309, a bill for an act to make an appropriation to H. C. Shaw, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Anderson	Chrystal	Harrington	Knudson
Baldwin	Doze	Hopkins	Leo
Beardsley	Elthon	Hush	McArthur
Byers	Fisch	Irwin	Meyer
Calhoun	Frailey	Kimberly	Miller of Jones
Carden	Geske	Klemme	Moore

Mullaney	Ritchie	Stanley	Valentine
Patterson	Roelofs	Stevens of	Wenner
Pendray	Schmidt	Decatur	Wilson
Reese			

Nays, none.

Absent or not voting, 14.

Aschenbrenner	Coykendall	Miller of	Stevens of
Beatty	Hicklin	Buchanan	Wapello
Bennett	Hill	Nelson	Topping
Booth	Husted	Shangle	Tripp

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hopkins, House File 308, a bill for an act to make an appropriation to Amos Hilton, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 34.

Anderson	Fisch	Knudson	Ritchie
Baldwin	Frailey	Leo	Roelofs
Beardsley	Geske	Meyer	Schmidt
Byers	Harrington	Miller of Jones	Stanley
Calhoun	Hopkins	Moore	Stevens of
Carden	Hush	Mullaney	Decatur
Chrystal	Irwin	Patterson	Wenner
Doze	Kimberly	Pendray	Wilson
Elthon	Klemme	Reese	

Nays, none.

Absent or not voting, 16.

Aschenbrenner	Hicklin	Miller of	Stevens of
Beatty	Hill	Buchanan	Wapello
Bennett	Husted	Nelson	Topping
Booth	McArthur	Shangle	Tripp
Coykendall			Valentine

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hopkins, House File 311, a bill for an act to make an appropriation to H. D. Howard, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 34.

Anderson	Frailey	Leo	Schmidt
Baldwin	Geske	Meyer	Stanley
Beardsley	Harrington	Miller of Jones	Stevens of
Byers	Hopkins	Moore	Decatur
Calhoun	Hush	Mullaney	Topping
Carden	Irwin	Patterson	Valentine
Chrystal	Kimberly	Pendray	Wenner
Doze	Klemme	Reese	Wilson
Elthon	Knudson	Ritchie	

Nays, none.

Absent or not voting, 16.

Aschenbrenner	Fisch	Miller of	Shangle
Beatty	Hicklin	Buchanan	Stevens of
Bennett	Hill	Nelson	Wapello
Booth	Husted	Roelofs	Tripp
Coykendall	McArthur		

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 41, a bill for an act relating to the selection and platting of a homestead.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 316, a bill for an act permitting the board of supervisors having control of a drainage district to refund surplus funds on hand to persons having paid the assessments creating said surplus.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 268, a bill for an act relating to the Police Radio Broadcasting System and to provide an appropriation therefor.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 232, a bill for an act relating to the classification and re-classification of assessments in levee and drainage districts.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 80, a bill for an act relating to the requisition of vehicles and providing that mileage may not be charged by public officials when using publicly owned cars.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENTS TO SENATE FILE NO. 80

Amend the title by correcting the spelling of the word "publicly" in line five.

Amend section one (1), line five (5), by inserting after the word "county" where same appears the second time in said line, the following: "including cities under special charter,".

HOUSE AMENDMENT TO SENATE FILE NO. 232

Amend section one (1), line six (6), by inserting after the word "board" the following: "or trustees of drainage districts,".

HOUSE FILE 1 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate and the call was declared complete.

Senator Patterson called up for consideration his motion to reconsider the vote by which the Beatty amendment was adopted, as filed on page 849 of the Senate journal, and moved its adoption.

The amendment under consideration was adopted as shown on pages 847 and 848 of the Senate journal.

Senator Pendray moved the previous question on the motion to reconsider.

The motion prevailed.

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the motion to reconsider prevail?" the vote was:

Ayes, 26.

Anderson
Aschenbrenner
Calhoun
Chrystal
Coykendall
Doze
Elthon

Fisch
Geske
Harrington
Hush
Kimberly
Knudson
Leo

McArthur
Miller of
Buchanan
Miller of Jones
Mullaney
Patterson
Pendray

Ritchie
Roelofs
Schmidt
Stanley
Stevens of
Decatur
Valentine

Nays, 24.

Baldwin	Frailey	Klemme	Stevens of
Beardsley	Hicklin	Meyer	Wapello
Beatty	Hill	Moore	Topping
Bennett	Hopkins	Nelson	Tripp
Booth	Husted	Reese	Wenner
Byers	Irwin	Shangle	Wilson
Carden			

Absent or not voting, none.

The motion to reconsider prevailed.

Roll call was demanded on the Beatty amendment as found on pages 847 and 848 of the Senate journal.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 24.

Baldwin	Frailey	Irwin	Stevens of
Beardsley	Harrington	Klemme	Wapello
Beatty	Hicklin	Moore	Topping
Bennett	Hill	Nelson	Tripp
Booth	Hopkins	Reese	Wenner
Byers	Husted	Shangle	Wilson
Carden			

Nays, 26.

Anderson	Fisch	Meyer	Ritchie
Aschenbrenner	Geske	Miller of	Roelofs
Calhoun	Hush	Buchanan	Schmidt
Chrystal	Kimberly	Miller of Jones	Stanley
Coykendall	Knudson	Mullaney	Stevens of
Doze	Leo	Patterson	Decatur
Elthon	McArthur	Pendray	Valentine

Absent or not voting, none.

The amendment was lost.

Senator Harrington moved to recess until 1:30 p. m. today.

Senator Frailey moved to amend by making the time 1:00 p. m.

The amendment was adopted.

The motion as amended was adopted and the Senate recessed until 1:00 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel.

HOUSE FILE 1 RESUMED

The roll call revealed the presence of all members of the Senate except Senators Fisch, Harrington and Stevens of Wapello.

Senators Harrington and Stevens of Wapello appeared in the Senate chamber.

Senator Fisch was excused on account of illness and the call was declared complete.

Senators Valentine, Harrington, McArthur, Roelofs, Chrystal, Baldwin, Geske and Knudson offered the following amendment and moved its adoption:

Amend Section 61, by inserting as subsection 2 following subsection 1, the following:

"2. During the year 1934 only, the board shall set aside and cause to be paid into a fund to be known as the 'state emergency relief fund', which fund is hereby created, the next three million dollars (\$3,000,000.00) collected under this act; to be used as provided in Senate File 281, Acts of the Forty-fifth General Assembly in Extraordinary Session."

Further amend by inserting as subsection 3 the following:

"3. On September 1, 1934, and annually thereafter, the board shall set aside and cause to be paid into the general fund of the state from the balance of said special tax fund a sum sufficient to pay all items of general expense of the state government for the next ensuing year as authorized and appropriated for by the general assembly. Provided however, that if the sum so set aside is insufficient to pay all of said items of general expense, a levy and certification shall be made by the board under the provisions of Sections seventy-one hundred eighty-two (7182) and seventy-one hundred eighty-three (7183), 1931 Code of Iowa, sufficient to raise such deficiency, otherwise no levy or certification shall be made.

Further amend by renumbering subsection 2 as subsection 4.

Further amend by striking the words and figures, "August 1, 1934", in line 13 of Section 62 and substituting in lieu thereof the words and figures, "September 1, 1935".

Senator Hicklin offered the following amendment to the amendment and moved its adoption:

Amend by inserting after the word "sum" in line 4 of subsection 3 the following: ", which together with other state revenues expendable for such purposes, shall be".

The amendment to the amendment was adopted.

A division of the question was asked.

The amendment to subsection 2 was adopted.

Roll call was demanded on subsection 3.

Senator Nelson offered the following amendment to subsection 3 of the amendment and moved its adoption:

Amend by striking all after the word "tax" in line 3 and inserting in lieu thereof the following: "as much as available, not to exceed six million dollars (\$6,000,000.00)".

On motion of Senator Topping the Senate recessed for 15 minutes.

The Senate reconvened at the sound of the gavel.

HOUSE FILE 1 RESUMED

By unanimous consent, on request of Senator Nelson, his amendment to subsection 3 of the pending amendment as proposed before the recess was withdrawn.

Senator Nelson offered the following amendment to the pending amendment and moved its adoption:

Amend by striking the period after the word "assembly" in line 6 of subsection 3 and adding the following: ", but the sum so set aside shall not exceed six million dollars (\$6,000,000.00)."

The amendment to the amendment was adopted.

Senator Wilson offered the following amendment to the pending amendment and moved its adoption:

Amend by striking all after the word "deficiency" in line 10, adding a period and the following: "Provided, however, the board in making the levy or certification as contemplated by sections seventy-one hundred eighty-two (7182) and seventy-one hundred eighty-three (7183), Code, 1931, may take into consideration the anticipated amount of taxes to be collected after September 1st and also the amount available for the succeeding year, and may reduce accordingly the levy or certification by such amount so anticipated, the provisions of chapter two hundred forty-seven (247), Acts of the Forty-fifth General Assembly, to the contrary notwithstanding."

The amendment to the amendment was adopted.

Senator Wenner offered the following amendment to subsection 3 of the pending amendment and moved its adoption:

Amend by inserting after the word "all" in line 4 the following: "state warrants outstanding and unpaid on July 1, 1934, and all".

By unanimous consent, on request of Senator Wenner, his amendment to the amendment was withdrawn.

Roll call was demanded on the amendment.

On the question "Shall the amendment as amended be adopted?" the vote was:

Ayes, 39.

Anderson	Geske	Miller of	Roelofs
Aschenbrenner	Harrington	Buchanan	Schmidt
Baldwin	Hicklin	Miller of Jones	Shangle
Beardsley	Hush	Moore	Stevens of
Byers	Irwin	Mullaney	Decatur
Calhoun	Kimberly	Nelson	Stevens of
Carden	Knudson	Patterson	Wapello
Chrystal	Leo	Pendray	Topping
Coykendall	McArthur	Reese	Valentine
Doze	Meyer	Ritchie	Wenner
Frailey			Wilson

Nays, 8.

Beatty	Booth	Hopkins	Klemme
Bennett	Hill	Husted	Stanley

Absent or not voting, 3.

Elthon	Fisch	Tripp
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The amendment as amended was adopted.

Senators Valentine, Harrington, McArthur, Roelofs, Chrystal, Geske and Knudson offered the following amendment and moved its adoption:

Amend section 38 by striking all of said section and substituting in lieu thereof the following:

"Sec. 38. Tax imposed. 1. There is hereby imposed, beginning the first day of April, 1934, and ending the thirtieth day of June, 1936, a retail sales tax, at the rates hereinafter specified and fixed, upon the gross receipts from all sales of tangible personal property, consisting of goods, wares, or merchandise, except as otherwise provided in this division, sold at retail in the state of Iowa to consumers or users, which retail sales tax shall be levied, computed and collected according to the following rates:

(a) Upon annual gross receipts up to \$50,000, or any part thereof, a tax of one per cent (1%).

(b) Upon annual gross receipts from \$50,000 to \$100,000, or any part thereof, a tax of one and one-half per cent (1½%).

(c) Upon annual gross receipts from \$100,000 to \$150,000, or any part thereof, a tax of two per cent (2%).

(d) Upon annual gross receipts in excess of \$150,000, a tax of two and one-half per cent (2½%).

2. For the purposes of this section, every person, firm, corporation, association, partnership, or agency whatsoever, owning, operating, or managing in whole or in part, any agency, store or stores in this state, for the purpose of selling at retail any tangible personal property, consisting of goods, wares, or merchandise, to consumers or users, shall be considered as a single unit for the collection of the tax imposed in this

section, and the rates provided in this section shall be applied upon the entire volume of all sales made by any such retailer through all retail establishments under the management, operation, or control, in whole or in part, of such retailer. The board shall provide for joint returns from the retailer in all cases where more than one retail agency or store is under the same management, supervision, ownership or control, in whole or in part.

3. There is also hereby imposed, beginning the first day of April, 1934, and ending the thirtieth day of June, 1936, an annual tax of two and one-half per cent (2½%) upon the gross receipts from the sales, furnishing, or service by public service corporations or others of gas, electricity, water, and communication service, including the gross receipts from such sales by any municipal corporation furnishing gas, electricity, water, and communication service to the public in its proprietary capacity, except as otherwise provided in this division, when sold at retail in the state of Iowa to consumers or users; and a like rate of tax is hereby imposed during said period upon the gross receipts from all sales of tickets or admissions to places of amusement and athletic events, except as otherwise provided in this division.

4. The tax herein levied and imposed shall be computed and collected as hereinafter provided."

Senator Hush moved the previous question.

By unanimous consent, on request of Senator Valentine, a comma was inserted after the word "others" in line 5 of the proposed subsection 3 of section 38.

Senator Harrington asked unanimous consent to strike from line 4 of subsection 3 the words ", furnishing, or" and substituting in lieu thereof the words "and furnishing of".

Senator Harrington withdrew his request.

Roll call was demanded on the previous question.

Rule 8 was invoked.

On the question "Shall the previous question be now put?" the vote was:

Ayes, 23.

Anderson	Geske	Meyer	Ritchie
Aschenbrenner	Harrington	Miller of Jones	Roelofs
Baldwin	Hush	Moore	Schmidt
Byers	Kimberly	Mullaney	Stevens of
Chrystal	Knudson	Patterson	Decatur
Frailey	McArthur	Pendray	Valentine

Nays, 26.

Beardsley	Calhoun	Elthon	Husted
Beatty	Carden	Hicklin	Irwin
Bennett	Coykendall	Hill	Klemme
Booth	Doze	Hopkins	Leo

Miller of Buchanan Nelson	Reese Shangle Stanley	Stevens of Wapello Topping	Tripp Wenner Wilson
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Absent or not voting, 1.

Fisch

The motion for the previous question was lost.

Senator Hicklin offered the following amendment to the amendment and moved its adoption:

Amend subsections 1 and 3 by striking therefrom the following: "and ending the thirtieth day of June, 1936".

Roll call was demanded.

On the question "Shall the amendment to the amendment be adopted?" the vote was:

Ayes, 14.

Beatty	Coykendall	Reese	Topping
Bennett	Hicklin	Shangle	Tripp
Booth	Husted	Stanley	Wenner
Carden	Irwin		

Nays, 31.

Anderson	Geske	McArthur	Pendray
Aschenbrenner	Harrington	Meyer	Ritchie
Baldwin	Hill	Miller of	Roelofs
Beardsley	Hopkins	Buchanan	Schmidt
Byers	Hush	Moore	Stevens of
Calhoun	Klemme	Mullaney	Decatur
Chrystal	Knudson	Nelson	Valentine
Elthon	Leo	Patterson	Wilson
Frailey			

Absent or not voting, 5.

Doze	Kimberly	Miller of Jones	Stevens of
Fisch			Wapello

The amendment to the amendment was lost.

Senator Wenner offered the following amendment to the amendment and moved its adoption:

Amend the amendment proposed to section 38 by striking from lines 2 and 3 the following: "and ending the thirtieth day of June 1936".

Senator Knudson raised the point of order that the amendment to the amendment was out of order as the subject matter contained therein was also in the Hicklin amendment which was lost.

The President held the point of order well taken and the amendment out of order.

Senator Frailey raised the point of order that Senator Wenner was out of order as his amendment was declared out of order.

The President held that Senator Wenner was speaking on the pending amendment and was not out of order.

Roll call was demanded on the pending amendment.

On the question "Shall the amendment as amended be adopted?" the vote was:

Ayes, 42.

Anderson	Doze	Knudson	Ritchie
Aschenbrenner	Elthon	Leo	Roelofs
Baldwin	Frailey	McArthur	Schmidt
Beardsley	Geske	Meyer	Shangle
Beatty	Harrington	Miller of	Stanley
Bennett	Hill	Buchanan	Stevens of
Booth	Hopkins	Miller of Jones	Decatur
Byers	Hush	Mullaney	Stevens of
Calhoun	Husted	Patterson	Wapello
Carden	Kimberly	Pendray	Valentine
Chrystal	Klemme	Reese	Wilson
Coykendall			

Nays, 2.

Hicklin	Wenner
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Absent or not voting, 6.

Fisch	Moore	Topping	Tripp
Irwin	Nelson		

The amendment as amended was adopted.

Senator Wilson offered the following amendment to the Valentine amendment adopted to subsection 3 of section 61, and moved its adoption:

Amend subsection 3 by striking the word "annually" from line 1 and substituting in lieu thereof the word "quarterly".

The amendment was adopted.

Senator Nelson offered the following amendment to his amendment as adopted to subsection 3 of section 61 and moved its adoption:

Amend by adding after the figures "\$6,000,000.00" the words "per annum".

The amendment was adopted.

By unanimous consent, on request of Senator Patterson, his amendment to sec. 38, as found on page 925 of the Senate journal, was withdrawn from further consideration.

Senators Hicklin and Wenner offered the following amendment and moved its adoption:

Amend section 61, by inserting a new subsection to be known as subsection 4, as follows:

"4. The balance of said fund shall be paid into the State Sinking Fund for public deposits until said fund with other revenues diverted to its use shall be sufficient to pay off all the claims now filed against the same."

Further amend by renumbering the remaining subsections.

Senator Harrington moved the previous question.

Senator Shangle moved to adjourn until 10:00 a. m. Wednesday.

The motion to adjourn was lost.

The motion for the previous question prevailed.

Roll call was demanded on the amendment.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 2.

Hicklin	Wenner
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Nays, 43.

Anderson	Frailey	McArthur	Ritchie
Baldwin	Geske	Meyer	Roelofs
Beardsley	Harrington	Miller of	Schmidt
Bennett	Hill	Buchanan	Shangle
Booth	Hopkins	Miller of Jones	Stanley
Byers	Hush	Moore	Stevens of
Calhoun	Husted	Mullaney	Decatur
Carden	Irwin	Nelson	Stevens of
Chrystal	Kimberly	Patterson	Wapello
Coykendall	Klemme	Pendray	Valentine
Doze	Knudson	Reese	Wilson
Elthon	Leo		

Absent or not voting, 5.

Aschenbrenner	Fisch	Topping	Tripp
Beatty			

The amendment was lost.

The journal of February 5th was corrected and approved.

SUPPLEMENTAL COMMITTEE REPORT

Amendments to House File 292.

1. Amend Section 4 by striking subsection 10 and inserting in lieu thereof the following:

"10. 'License' means a contract between the commission and a licensee entitled thereto under the provisions of this Act."

2. Amend Section 4, by adding as subsection 24, the following:

"24. 'Wholesaler' means any person who shall sell, barter, exchange, offer for sale or have in possession with intent to sell alcoholic liquor and wines to retailers for re-sale."

3. Amend Section 5, subsection 2, by striking out the words "said commission" in line 13 thereof and inserting in lieu thereof the words "such employment".

4. Amend Section 7, subsection (b), by striking out the period in line 15 and adding thereto the following: "or any church used as such."

5. Amend Section 7, subsection (f), by adding after the word "cause" in line 25 the following: "deemed by the commission in its discretion as sufficient".

6. Amend the Senate Committee Amendment No. 17 by adding a period after the word "liquor" and striking therefrom the words "for consumption with meals".

7. Amend Section 14 by adding after the period in line 12 thereof the following:

"No alcoholic liquor shall be labeled 'Whisky' unless it is a distillate of fermented mash of grain or mixture of grains. Spirits, the alcoholic content of which is distilled of any other substance, must be labeled 'Imitation'. No spirits shall contain any substance, compound or ingredient which is injurious to health or deleterious for human consumption."

8. Amend Section 18 by striking the words "one to another" from line 2 and inserting in lieu thereof the words "the place of purchase by the Commission to any"; also by adding after the word "Act" in line 4 the following: "or from one such place to another".

9. Amend Section 18 by adding after the word "vendor" in line 7 the following words: "or a special distributor"; also by striking the word "effect" in line 15 and inserting in lieu thereof the word "affect".

10. Amend Section 19 by inserting as Paragraph (d) at line 44 the following:

"(d) A special permit may be issued by the commission to individuals, associations, corporations, or organizations for the right to purchase and consume alcoholic liquors, wines, and beer at social functions or special occasions, subject to such conditions and regulations as the commission may prescribe in the home of the permittee, or in establishments holding a special license; and the fee for such special permit shall be in such amount as may be prescribed by the commission, but in no event less than two dollars per day."

Further amend by renumbering Paragraph (d) to read as Paragraph (e).

11. Amend Section 19, subsection (d), by adding after the word "State" in line 78 the following: "or from the commission".

12. Amend the Senate Committee Amendment No. 28 by striking the word "light" immediately preceding the word "wines" in line 2, subsection 2, and adding after the word "wines" in line 2, subsection 2, the words "of natural fermentation".

13. Amend the Senate Committee Amendment No. 28 by adding thereto as Paragraph (c) the following:

"(c) Every hotel, restaurant or club licensee may sell wines of natural fermentation, and beer in that part of the hotel, restaurant or club habitually used for serving of meals to guests and patrons, and in the case of hotels, to registered guests in their rooms; and in the case of clubs,

to members in private rooms in the club. No hotel, restaurant or club licensee shall maintain any counter or bar at or over which liquor is served to guests or patrons. No licensee hereunder shall give away any food of any kind in connection with the sale of such wines or beer."

14. Amend by inserting as Section 28-a the following:

"Sec. 28-a. Upon application in the prescribed form and accompanied by a fee of one hundred dollars (\$100) and subject to the provisions of this Act and the rules and regulations of the commission, the commission shall grant a license good for a period of one year after date of issuance, to a wholesaler, which shall allow the wholesaler to purchase alcoholic liquor from distillers either within or without the State for the purpose of supplying customers of such wholesaler engaged in the sale of alcoholic liquor and wines at retail outside of the State."

15. Amend Section 29 by inserting after the word "manufacturer" in line 2 the words "or wholesaler"; also by inserting after the word "manufacturer" in line 4 the words "or wholesaler"; also by inserting after the figures "(\$5000)" the words "for a manufacturer and one thousand dollars (\$1000) for a wholesaler".

16. Amend Section 30 by inserting after the word "manufacturer" in line 1 the words "or wholesaler".

17. Amend Section 31 by adding after the word "no" in line 7 the word "such"; also by striking the word "should" in line 8 and inserting in lieu thereof the word "shall"; also by adding after the word "be" in line 10 the word "lawfully".

18. Amend Section 43 by inserting after the word "Act" in line 17 the following: "as determined and fixed from time to time by the comptroller".

19. Further amend by renumbering all sections and subsections thereof to conform to the foregoing amendments.

J. R. FRAILEY, *Chairman, Liquor Control Committee.*

Senator Ritchie moved to adjourn until 10:00 a. m. Wednesday.

Division of the vote was called for.

The motion prevailed and the Senate adjourned until 10:00 a. m. Wednesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 7, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Arthur E. Bennett, of the Upper Iowa University, Fayette, Iowa.

PETITIONS AND MEMORIALS

The following petition was presented and referred to the designated committee:

Favoring tax on chain stores. Senator Miller of Jones from business men of Anamosa. Cities and towns.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the governor announcing that he had signed, on the fifth day of February, the following bills:

Senate File 184, relating to reports on the auditing of financial records of counties, schools, cities and towns.

Senate File 181, relating to settlement of poor persons.

Senate File 182, relating to the office of state comptroller.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, Senate Files 153 and 41.

HOMER HUSH, *Chairman Senate Committee.*
WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the

Senate, he had signed in the presence of the Senate, Senate Files 153 and 41.

HOUSE MESSAGES CONSIDERED

House File 268, a bill for an act to amend Chapter Six Hundred Sixteen-D-One (616-D1) Code, 1931, relating to the Police Radio Broadcasting System and to provide an appropriation therefor.

Read first and second times.

House File 316, a bill for an act to amend section one (1), chapter one hundred forty (140), Acts of the Forty-fifth General Assembly, which section amended section seventy-four hundred eighty-nine (7489), Code of 1931, and to permit the board of supervisors having control of a drainage district to refund, under certain circumstances, all of the surplus funds on hand to the persons having paid the assessments creating said surplus.

Read first and second times and referred to committee on drainage.

HOUSE FILE 268 SUBSTITUTED FOR SENATE FILE 219

By unanimous consent, on request of Senator Hill, House File 268 was substituted for Senate File 219 on the calendar, a companion bill recommended by the appropriations committee for passage.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 43, a bill for an act relating to public utilities and to the power of cities and towns.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 290, a bill for an act relating to the investment of funds of insurance companies.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE FILE 1 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate, and the call was declared complete.

Senator Hill called up for consideration the amendment, offered by himself and others, as found on pages 881 to 894 of the Senate journal, and moved its adoption.

By unanimous consent, on request of Senator Husted, action on his amendments to the pending amendment as filed on page 914 of the Senate journal, was deferred until completion of the pending amendment.

Senator Harrington moved the previous question on the amendment, which motion prevailed.

NATIONAL OFFICERS G. A. R. RECEIVED

Senator Stanley announced the presence in the Senate chamber of Colonel Russell C. Martin of Los Angeles, California, commander-in-chief of the Grand Army of the Republic.

Colonel Martin was escorted by Adjutant General Charles H. Grahl with Judge James W. Willetts, Oley Nelson, sergeant-at-arms of the House, Department Commander Frank Quade, Assistant Adjutant J. P. Risley, John F. Baker, Senate doorkeeper, and T. J. Noll, Past Department Commander, to the President's chair, where he was introduced by Senator Stanley, chairman of the committee on military affairs.

Colonel Martin addressed the Senate as follows:

"MEMBERS OF THE SENATE OF IOWA, AND FRIENDS WHO MAY BE GATHERED HERE THIS MORNING:

"I want to bring to you the love and greetings of the Grand Army of the Republic and love and friendship not only for you, but for our whole country. There was a time when we were asked to help serve this country and volunteered; and this morning I want to show you four or five of our "boys" that have come this morning with me, as a relic of those who offered their services that you and I might have the opportunities that we have today; and during all these years, not only during the war, but in everything connected with this country for these long years, we have constituted a citizenship which has attempted to make the laws of this country and when we make these laws we attempt to enforce them. Now, we are a vanishing army and are drifting around just enjoying the last few days of our life in these memories of the days that have gone by.

"For seventy years since the war we have taken part in life and have tried to do our part in this great citizenship of our country. This country is still worth living for, and this country is still worth dying for, and we should do and do and do to carry out this idea. I don't want to use your time this morning, but I just want to bring these greetings to you from these boys who have done you this service for all these years. You are proud of them and we are proud of them, and this morning I wish to

thank you for this opportunity and to express the hope that in these depressing times that are on us, you may be given strength to carry out the policy that ought to be carried out to bring our country out of this depression. I thank you."

President N. G. Kraschel responded as follows:

"On behalf of the State of Iowa I want to acknowledge this inspiring word brought to us, and to express our keen appreciation and gratitude for what the Grand Army of the Republic has meant to us; and we hope that your few remaining days will be just as pleasant as is possible on this earth, and we hope you may come again."

Senator Wilson moved that the remarks of Colonel Martin be printed in the journal.

The motion prevailed.

CONSIDERATION OF HOUSE FILE 1 WAS RESUMED

Discussion of the pending amendment was resumed.

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 21.

Aschenbrenner	Coykendall	Klemme	Shangle
Beardsley	Hicklin	Leo	Stevens of
Beatty	Hill	Miller of	Wapello
Bennett	Hopkins	Buchanan	Tripp
Booth	Husted	Nelson	Wenner
Carden	Irwin	Reese	

Nays, 29.

Anderson	Frailey	Miller of Jones	Schmidt
Baldwin	Geske	Moore	Stanley
Byers	Harrington	Mullaney	Stevens of
Calhoun	Hush	Patterson	Decatur
Chrystal	Kimberly	Pendray	Topping
Doze	Knudson	Ritchie	Valentine
Elthon	McArthur	Roelofs	Wilson
Fisch	Meyer		

Absent or not voting, none.

The amendment was lost.

On motion of Senator Shangle the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

SENATE FILE 95 ON THE CALENDAR

Under rule 35, Senator Hopkins called Senate File 95 from the committee on reduction of public expenditures, and placed it on the calendar.

SENATE FILE 103 AND HOUSE FILE 185 MADE SPECIAL ORDERS

Senator Coykendall moved that Senate File 103 be made special order of business after Senate File 276.

The motion prevailed.

Senator Harrington moved that House File 185 be made special order of business after Senate File 103.

The motion prevailed.

HOUSE FILE 1 RESUMED

The roll call revealed the presence of all members of the Senate except Senators Fisch, Reese, and Roelofs.

By unanimous consent Senators Fisch, Reese and Roelofs were excused until a roll call, and the Senate proceeded with consideration of amendments.

Senator Wenner offered the following amendment and moved its adoption:

Amend section sixty-one (61) by inserting as subsection four (4) of said Section 61 the following:

"4. On September 1, 1935, and annually thereafter, the board shall set aside and cause to be paid into the general fund of the state from the balance of said special tax fund a sum sufficient to pay all issued and outstanding state warrants which, at such times, are unpaid."

Senators Reese and Roelofs appeared in the Senate chamber.

Senator Harrington moved the previous question on all pending amendments and the main bill.

The motion prevailed.

The pending Wenner amendment was lost.

Senator Wenner offered the following amendment and moved its adoption:

Amend section five (5), by inserting following the figures and punctuation "1934," the following: "and ending June 30, 1936,".

Further amend section twenty-eight (28), by inserting in line two (2), following the figures and punctuation "1934," the following: "and ending June 30, 1936."

Roll call was demanded.

Senator Patterson raised the point of order that the amendment was out of order as the subject matter contained in this amendment was the same as was contained in a previous amendment which was rejected.

The President ruled that in accordance with other rulings made, the amendment was in order.

Senator Fisch appeared in the Senate chamber and the call was declared complete.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 13.

Baldwin	Hill	Reese	Topping
Byers	Irwin	Stevens of	Tripp
Frailey	Kimberly	Wapello	Wenner
Harrington	Moore		

Nays, 35.

Anderson	Doze	McArthur	Ritchie
Aschenbrenner	Elthon	Meyer	Roelofs
Beardsley	Fisch	Miller of	Schmidt
Beatty	Hicklin	Buchanan	Shangle
Bennett	Hopkins	Miller of Jones	Stanley
Booth	Hush	Mullaney	Stevens of
Calhoun	Klemme	Nelson	Decatur
Carden	Knudson	Patterson	Valentine
Chrystal	Leo	Pendray	Wilson
Coykendall			

Absent or not voting, 2.

Geske	Husted
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The amendment was lost.

Senator Harrington offered the following amendment and moved its adoption:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. That all individuals, copartnerships, firms, societies, congregations, associations, or body of persons howsoever associated or organized, exercising the privilege in this state of bartering, selling and/or exchanging as a business and/or vocation except religious organizations and fraternal insurance societies, with for themselves or as brokers, factors or commission merchants, any property, either real, personal or

mixed, or stocks, bonds or other securities or evidences of the ownership of an interest in property, or any personal or public service, not subject to the tax, or taxes, provided and imposed by sections two (2), three (3), four (4), five (5), and/or six (6) of this Act, shall pay to the State Tax Board of Iowa, for the year 1934 and each year thereafter, for the exclusive use of the State and all of its several taxing districts, including all schools and school districts, for such privilege, an annual tax equal to one-half of one per centum ($\frac{1}{2}$) of the proceeds derived, as consideration from all such bartering, real and/or personal, or bonds, stocks, or other securities or evidence of ownership of an interest in property and/or service, including the personal earnings of individuals in this State.

"Sec. 2. That every merchant doing business in the State of Iowa shall pay to the State Tax Board of the State of Iowa, for the year 1934 and each year thereafter, for the exclusive use of the State and all of its several taxing districts, including all schools and school districts, for such privilege equal to one-half of one per centum ($\frac{1}{2}$) of the gross receipts of such merchant derived from the transaction of its business.

"The term "merchant", as used in this Act, means and includes each and every individual, or individuals, co-partnership, firm, corporation, joint stock company, fiduciary, syndicate or association, engaged in the business of bartering, selling and/or exchanging, as a business or vocation, either in their own right or as brokers, factors, commission merchants or handlers of consigned stocks or property, any real or personal property, commodities, articles, goods, wares, merchandise, bonds, stocks, securities and/or other evidence of property or interests in property.

"Sec. 3. That every manufacturer doing business in the State of Iowa shall pay to the State Tax Board of the State of Iowa, for the year 1934 and each year thereafter, for the exclusive use of the State and all of its several taxing districts, including all schools and school districts for such privilege, an annual tax equal to one-half of one per centum ($\frac{1}{2}\%$) of the proceeds derived, as consideration, by such manufacturer from all sales and/or exchange of any article, or articles, or personal property manufactured by him and sold and/or exchanged and delivered, or sold and/or exchanged for delivery.

"In computing any tax to be paid by any manufacturer under the provisions of this Act, receipts from the sales and/or exchange by him of partly manufactured goods, which have been so partly manufactured by him, as well as manufactured articles, shall be included.

"Sec. 4. That every bank and/or banking corporation, firm, or association doing business in this State, shall pay to the State Tax Board of Iowa, for the year 1934 and each year thereafter, for the exclusive use of the State and all of its several taxing districts, for such privilege an annual tax equal to one-half of one per centum ($\frac{1}{2}\%$) of its gross receipts received except bank deposits, and except on money loaned and/or repaid.

"Sec. 5. That every insurance company or association doing business in this State shall pay to the State Tax Board of the State of Iowa, for the year 1934 and each year thereafter, for such privilege, for the exclusive use of the State, and all of its subdivisions or parts thereof, including its schools, and the schools of all of its subdivisions or parts

thereof an annual tax in a sum equal to one-half of one per centum ($\frac{1}{2}\%$) of the amount of the gross premiums received from residents of or on property located within this state, less return premiums in cancellation of policies, premiums on policies not taken, all dividends to policyholders, and premiums paid for reinsurance in insurance companies authorized to transact business in this State. Providing, however, that in computing the amount of the tax due under this section the State Tax Board shall deduct therefrom any amounts paid to the State Treasurer under the provisions of Chapter 335, Code, 1931.

"Sec. 6. That every public utility doing any business in the State of Iowa, or selling, or, otherwise disposing of, or furnishing, for a consideration, any product or service in this State, whether the service is concluded within this State or not, shall pay to the State Tax Board of Iowa, for the year 1934 and each year thereafter, for the exclusive use of the State and all of its several taxing districts, including all schools and school districts, for such privilege, an annual tax in a sum equal to one-half of one per centum ($\frac{1}{2}\%$) of the gross receipts of such public utility derived from the transaction of its business within the State of Iowa, whether the service is concluded in the State or not.

"The term "Public Utility", as used in this Act, means and includes every individual, or individuals, co-partnership, firm, corporation, joint stock company, syndicate or association, lessees, trustees or receivers appointed by any court whatsoever, that now or may hereafter own, operate, manage, or control in this State equipment or facility for:

"(a) Transporting persons or property by steam or other railroad for compensation; this shall include all steam or other railroads, and shall also include all express companies, all sleeping car, dining car, drawing room car, palace car, refrigerator, oil, stock, fruit, and any other car companies, which transport persons or property over and upon the lines or rails of any steam or other railroad.

"(b) Producing, generating, transmitting, delivering or furnishing gas, electricity, steam or any other agency for the production of light, heat or power to or for the public for compensation:

"(c) Diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation;

"(d) Transporting persons or property by street, suburban or inter-urban railway, other than steam railroads, for the public for compensation;

"(e) Transporting persons or property by motor vehicles, for compensation, including taxicab, bus or truck service.

"(f) Transporting or conveying gas, crude oil or other fluid substance by pipe line for the public for compensation;

"(g) Conveying or transmitting messages or communications by telephone or telegraph, where such service is offered to the public for compensation.

"(h) Conveying or transmitting any message or messages by radio over any broadcasting station in the State of Iowa, and the sale of time by any broadcasting station in the State of Iowa.

"The term "Public Utility", as used in this Act, shall include, in addi-

tion to those businesses hereinabove enumerated, every other individual or individuals, co-partnership, corporation, joint stock company, syndicate or association engaged in any business whose property is dedicated to the public use, or whose charges or rates for the furnishing of its products of service is or may be subject to regulation by the State of Iowa.

"Sec. 7. That the tax or taxes imposed by this Act shall be due and payable quarterly, or such other period as the Tax Board may direct, and the amount of such gross income tax becoming due for each quarter shall be paid to the State Tax Board of the State of Iowa thirty (30) days after the close of the quarterly period for which such tax is paid, the tax for the first quarterly period being due May first, and for the second quarterly period on August first, and for the third quarterly period on November first, and for the fourth quarterly period on February first. The first payment will be for the first quarterly period of 1934, payable May 1, 1934.

"All remittances of taxes imposed by this Act shall be made to the County Treasurer of each county where the tax is collected by bank draft, check, cashier's check, money order, or money, who shall issue his receipts therefor to the taxpayers, when requested, and shall deposit all moneys received in some bank or banks in this State, qualified as a state depository; provided, no remittance other than cash shall be final discharge of liability for the tax herein assessed and levied unless and until it has been paid in cash to the Treasurer.

"Sec. 8. That the administration of the provisions of this Act shall be conducted by the State Tax Board, herein created, and the necessary expenses of carrying out the provisions of this Act, including the necessary clerical help, and incidental expenses, shall be defrayed out of the receipts collected thereunder. In carrying out the provisions of this Act, the State Tax Board shall employ such agents and employes as shall be necessary to effectuate the purposes of this Act. It shall have the power to make all such reasonable rules and regulations as are necessary to carry out the provisions of this Act; and in all matters connected with the administration of the provisions of this Act, requiring the exercise of judgment and discretion, the judgment and opinion of the State Tax Board shall be final and conclusive, and there shall be no review thereof, excepting the constitutional right of redress in the Courts under existing or future laws.

"Sec. 9. That each and every individual, or individuals, partnership, firm, or corporation, subject to the provisions of this Act, and to any taxes herein, shall keep a record in such form, or forms, as the State Tax Board shall prescribe or require showing all such things and matters as the State Tax Board may, in its discretion, require, and as may be necessary in its opinion to effectuate the purposes of this Act, and particularly the following details:

"(a) In the case of individuals, co-partnerships, firms, corporations, joint stock companies, fiduciaries, syndicates or associations subject to the tax provided by Section 4 of this Act, the gross receipts received by them as consideration from any bartering, selling and/or exchange of property, real and/or personal, or bonds, stocks, or other securities or

evidences of ownership or an interest in property, and/or services during the year; the source or sources from which such receipts are derived.

“(b) In the case of merchants; the total amount of sales of all property, commodities, articles, goods, wares, merchandise, bonds, stocks, securities, and/or other evidences of property, or an interest in property sold, bartered and/or exchanged by him or it during the calendar year; and showing in detail the consideration received therefor.

“(c) In the case of manufacturers; the total amount of sales of all commodities, goods, wares, and/or merchandise sold or exchanged by him or it during the year; and showing in detail the consideration received therefor.

“(d) In the case of public utilities; the total gross receipts of such public utility during the year, whether concluded within the State or not.

“(e) The State Tax Board may require, as to any or all of the business subject to the taxes imposed by this Act, that any or all of the records required by this Act or which the State Tax Board is authorized to require and does require, shall be kept for each day and/or other period or periods of the year. All such records shall be subject to the inspection of the State Tax Board, its agents, representatives, or employes, at all times during the business hours of each day.

“Sec. 10. That each and every individual, or individuals, partnership, firm, corporation, joint stock company, fiduciary, syndicate, and/or other association subject to any of the provisions of this Act, and the tax or taxes levied herein, shall make such detailed reports for each quarterly period as the State Tax Board may require.

“Sec. 11. That if any individual, or individuals, partnership, firm, corporation, joint stock company, fiduciary, syndicate or association shall fail, neglect or refuse to make out and file with the State Tax Board any statement or report required by Section ten (10) of this Act within the time therein provided, the State Tax Board shall, immediately after such time has expired, proceed to inform itself as best it may regarding the matters and things required to be set forth in such statements or reports, and from such information as it may be able to obtain, make a statement showing such matters and things, and determine and fix the amount of the gross income tax due to the State from such delinquent taxpayer for any and all such delinquent periods, adding to the amount of such tax a penalty of twenty-five (25) per centum of the amount of the tax, which shall be in addition to the penalty provided by section fourteen (14) of this Act.

“The State Tax Board, for the purpose of ascertaining the correctness of any report or statement, or for the purpose of ascertaining the things and matters required to be set forth in such reports or statements where no report or statement is filed when due, is hereby authorized either in its own proper person or by an agent, representative or employee designated by it for that purpose, to examine any books, records or memoranda bearing upon the matters required to be included in the report or statement, bearing upon any matter required by the terms of this Act to be kept as a record. In addition, in order to effectuate the purpose of this Act, the State Tax Board, and any authorized agent, employee or

representative, may require the attendance of any person or persons having knowledge of any of the matters relevant to such examination or inquiry, and for this purpose, the State Tax Board or any authorized agent, employe or representative, may issue a subpoena or subpoenas in the name of the State of Iowa requiring attendance of such witnesses as may be designated therein at such place or places, at either the office of the State Tax Board at Des Moines, or at any place in the county in which the business which is the subject of investigation has an office, and at such time or times as may be designated in such subpoena or subpoenas. All such subpoenas shall be served by the sheriff or any deputy of the county where the same is directed, and such sheriff or deputy shall be entitled to the same fees for serving such subpoenas as in the case of serving subpoenas in civil cases in the district court. The State Tax Board, or any authorized agent, employe or representative is authorized and empowered to administer oaths to any person or persons summoned. Any such person or persons so summoned shall give all such evidence relevant to the matter under investigation as may be required by the State Tax Board or its authorized agent, employe or representative. The usual fees and mileage expenses allowed witnesses in cases in the District Court of this State shall be allowed any witnesses so summoned. All such fees, mileage expense and fees of sheriffs shall be and constitute lawful expenses hereunder by the State Treasurer. After such fees and expenditures have been approved by the State Board of Audit they shall be paid by the State Treasurer out of any public funds then in his hands.

"Sec. 12. That any person failing to respond to any subpoena issued under the provisions or authority of this Act, after service upon him, or failing to answer any question or questions relative to the matters under consideration that may be propounded on examination, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense.

"Sec. 13. That any person required by the terms of this Act to keep any record or records, or required by the terms of this Act to make a report, statement or return, who willfully or negligently fails to keep any and all such records required by the terms of this Act, or which the State Tax Board is authorized to require and does require, or who fails or refuses to permit the inspection and examination of any such records or memoranda by the State Tax Board or its duly authorized agent, representatives or employe, or who keeps, makes or prepares any false record of any record of memoranda containing a false statement or entry, or who makes or prepares a false report, statement or return, or report, statement or return containing any false statement or entry therein, shall be guilty of a felony, and upon conviction thereof, shall be punished by confinement in the penitentiary for not less than one year nor more than five years, and/or by a fine of not less than Five Hundred (\$500.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, provided, that the jury, in its discretion, may fix the punishment at not less than three (3) months nor more than twelve (12) months in the county jail. The term "person", as used in this section, includes any officer, agent

or employe of a corporation, joint stock company, syndicate or association, or a member or employe of a partnership, who, as such officer, employe or member is under the duty to perform the act in respect to which the violation occurs, or who may attempt to perform such act or acts or who may assist in performing such act or acts.

"Sec. 14. That the State Tax Board is authorized and empowered, and it shall be its duty to issue a distress warrant in the name of the State for the collection of the tax imposed under the provisions of this Act, when past due, and for all penalties, interest and costs, including the cost of issuing and serving any subpoenas issued and served under the provisions of section eleven (11) of this Act. Interest at six per centum (6%) per annum shall be due and payable on any tax not paid when due. A penalty of one (1%) per centum per day is hereby imposed for failure to pay such tax when due; provided, however, when the penalty reaches fifty (50%) per centum no further penalty shall accrue.

"Sec. 15. The taxes imposed by this Act shall be a lien upon any property of the taxpayer at his place of business; and if any stock of goods, wares or merchandise, public utility plant, factory and/or business shall be sold in bulk or as a going business or concern, and the tax imposed hereby shall not have been paid, said tax and all interest and penalties shall be and continue a lien upon such stock of goods, wares, merchandise public utility plant and/or factory, and the purchasers or person in control or possession thereof shall be liable for the payment of the tax thereon.

"Sec. 16. In any case in which the person, firm, or corporation liable for the payment of the tax hereby imposed shall have been in business for a period less than twelve (12) months prior to the close of the calendar year, the reports required in this Act shall be for the portion of the year in which such person, firm or corporation was in business. In the case of the first reports required hereunder the same shall cover the portion of the year 1934 after the effective date of this act.

"Sec. 17. That it shall be unlawful for any officer, agent, employe or representative of the State of Iowa to make known, in any manner, except as may be required by law, any information, concerning the business of any individual or individuals, co-partnership, corporation, joint stock company, syndicate or association subject to the provisions of this Act, which he may have obtained, directly or indirectly, by virtue of any records, memoranda, reports, testimony, books and/or documents kept, filed, given or exhibited in pursuance of this Act, by any such individual or individuals, co-partnership, corporation, joint stock company, syndicate or association. Any person violating the provisions of this section shall be punished by a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) for each offense. In addition, any such officer, agent, employe, or representative shall be discharged from the service or employ of the State.

"Sec. 18. The State Board of Assessment and Review shall administer the provisions of this Act and is hereby clothed with all necessary and incidental powers to fully carry out the provisions of this Act, and it shall make all reasonable rules and regulations for the collection of the tax herein provided for and not inconsistent herewith. Wherever in this

Act the words "The State Tax Board" may appear, it shall mean the State Board of Assessment and Review.

"Sec. 19. All County, City and Township assessors, and their employees in the State are hereby continued as agents and employees of the State Tax Board insofar as the same shall be necessary for carrying out the provisions of this Act.

"Sec. 20. All revenue arising under the operation of this Act and collected by the State Tax Board shall be credited to the Treasurer of State to be carried by him as a special tax fund entirely separate from all other revenues of the State, which fund shall be distributed from time to time by said State Tax Board in accordance with the provisions of this Act on warrants drawn by the Auditor of State upon direction of the State Tax Board with the approval of the State Comptroller, and made payable to the several taxing districts of the State as by this Act hereinafter provided. The warrants so drawn shall, upon presentation, be paid by the Treasurer of the State out of said special fund.

"Sec. 21. Each taxing district of the State, including the State, shall annually receive out of such special tax fund its proportionate share of the amount so collected, based on the average collected by such taxing district during the ten (10) year period ending December 31, 1933.

"On and after July 1, 1934, the State Taxing Board shall fix the basis of distribution among the several districts of the State in the manner above provided.

"Sec. 22. From time to time, after July 1, 1934, and at least every three (3) months, the State Tax Board shall distribute to each of the County Treasurers of the State, including the State Treasurer, such revenues as it then has on hand in said special tax fund in the proportion as herein provided.

"Sec. 23. The State Tax Board is hereby authorized to grant a refund of any taxes erroneously or illegally assessed or collected, and all penalties and/or interest assessed or collected thereon, and all taxes that appear to it to be in any manner wrongfully collected under this Act, with interest thereon at six per centum (6%) per annum.

"(2) No claim for refund shall be allowed by the Treasurer unless a claim therefor has been filed, under oath, with the State Tax Board within one year after the payment of said Tax, penalty or interest thereon.

"(3) Upon final determination by the State Tax Board that such refund shall be allowed, the State Tax Board shall certify the amount thereof and the name of the claimant to the auditor of state, who shall, upon the receipt of such certificate, draw his warrant upon the Treasurer of State therefor; and the Treasurer of State shall pay the same out of any funds in the State Treasury not otherwise appropriated.

"Sec. 24. There is hereby appropriated out of the fund of the State Treasury, not otherwise appropriated, a sum sufficient to pay the necessary fees and expense of administering this Act. Warrants shall be drawn upon the treasury upon the order of the Tax Board with the approval of the State Board of Audit. The Treasurer of State is hereby authorized and directed to pay the same when presented.

"Sec. 25. This Act shall not, in any way, alter, change or effect the

present laws regarding the imposing and collecting of a tax on beer, cigarettes, inheritances, oleomargarine and gasoline, or any excise, stamp or mulct tax, including the motor vehicle license tax and the drivers license tax.

"Sec. 26. The State Tax Board may require any foreign corporation, or corporation not qualified to do business in the State of Iowa, individual, firm, co-partnership, joint stock company, fiduciaries, syndicates and associations doing business in the State of Iowa, either direct or by agent, to furnish a surety bond to guarantee the payment of any tax due or to become due the State of Iowa by virtue of any transaction or business done within the meaning of this Act.

"Sec. 27. In the case of those deriving gross income, as herein defined, from engaging in interstate commerce, the tax by this act, levied, assessed and collected shall be considered as and is a tax upon the privilege of doing business within this state and/or a tax upon the property within this State used in the conduct of such interstate commerce, and is not a tax upon the privilege of engaging in interstate commerce.

"Sec. 28. Every person, firm and corporation within this state which regularly employs any individual or individuals within this state on either a salary or commission basis shall be responsible for the collection of the tax upon the amount of each such employee's gross income paid such employee by such employer, and shall make return thereof and pay the tax thereon, provided by this act, to the county treasurer of the county in which the tax is due, on the forms in accordance with rules and regulation prescribed by the Board. The compensation herein contemplated shall not be deemed to include compensation paid to persons whose employment is purely casual nor to independent contractors.

"Sec. 29. This Act shall apply to all transactions covered thereby insofar as the year 1934 is concerned, only for that portion of said year then remaining after said Act becomes effective.

"Sec. 30. The tax upon such gross income shall be for the ensuing year, and shall be upon the gross income of the calendar year in which it accrues, and shall be paid for the period in which it accrues and in accordance with the terms of this Act and the rules and regulations promulgated hereunder.

"Sec. 31. A tax due and unpaid under this Act shall constitute a debt due the State, and may be collected by action at law, or otherwise appropriate judicial proceedings, which remedy shall be in addition to all other existing remedies.

"Sec. 32. It is hereby declared to be the intent and purpose of this act to levy a tax on the transfer, within this state, of money ownership, or the equivalent thereof, except borrowed money.

"Sec. 33. All money collected under this Act shall be credited proportionately by the several County Treasurers, as and when received from the State Tax Board upon the real and personal property tax payable in the year received i.e. each tax payer in each county shall be credited on his real and personal property tax an amount equal to the proportion his tax bears to the total real and personal property tax in the county, and in the same proportion as the amount received by the County

bears to the total real and personal property tax of the County for said year.

"Sec. 34. Registration. Every person and corporation who is made subject to the payment of a tax under the provisions of this act, shall on or before the first day of March 1934 register as a taxpayer under this Act, with the Board, which registration may be made by letter giving the name, place of residence, occupation, business or profession of the person or corporation so registering and the name of the county in which the tax will be paid, which shall be either the county of the taxpayers residence or his principle place of business. If such taxpayer is, at the time of his registration an employer of any other person or persons, he shall also give the number of persons in his employ and the aggregate amount of wage or salary paid to such employees monthly, and such taxpayer monthly shall report any change of employes, or wages paid to such employes, and shall also supply such other and further information in connection with such registration as may be reasonably necessary for the purpose of maintaining a roster of taxpayers. The Board shall have authority to require every assessor to furnish to the County Auditor a list of all persons in his assessing district subject to tax under this law. The Board shall, upon application, furnish necessary blanks for the filing of the information required by this section.

"Sec. 35. That the provisions of this Act are severable, and if any section or sections, paragraph or paragraphs, sentence or sentences, clause or clauses, word or words of this Act shall be held to be unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such particular section or sections, paragraph or paragraphs, sentence or sentences, clause or clauses, word or words, may be rejected without effecting the remainder of the Act, and the decisions of the courts shall not effect or impair any of the remaining sections, paragraphs, sentences, clauses or words of this Act. It is hereby declared that it is the legislative intent that this Act and each word, clause, sentence, paragraph and section thereof would have been enacted had such unconstitutional section or sections, paragraph or paragraphs, sentence or sentences, clause or clauses, word or words not been included."

Further amend by striking the title therefrom and inserting in lieu thereof the following:

"An Act relating to public revenue and providing for the equalization of taxation; prescribing a system for the taxation of the privilege of doing business within this state and of property used within this state measured by the gross income received therefrom; imposing a tax upon gross income; defining gross income, and other terms used herein; prescribing the method and manner of reporting such gross income, and for the assessing, levying, collecting and disbursing of such tax; providing for the administration of said law and fixing fines and penalties for the violation thereof."

Senator Hill raised the point of order that Senator Harrington could not speak on the pending amendment as he had moved the previous question and could not do so on his own amendment.

By unanimous consent, on request of Senator Hill his point of order was withdrawn and Senator Harrington was permitted to proceed.

Roll call was demanded on the amendment.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 22.

Aschenbrenner	Frailey	Irwin	Shangle
Beardsley	Harrington	Leo	Topping
Beatty	Hicklin	Miller of	Tripp
Bennett	Hill	Buchanan	Wenner
Booth	Hopkins	Mullaney	Wilson
Byers	Husted	Reese	

Nays, 28.

Anderson	Fisch	Miller of Jones	Schmidt
Baldwin	Geske	Moore	Stanley
Calhoun	Hush	Nelson	Stevens of
Carden	Kimberly	Patterson	Decatur
Chrystal	Klemme	Pendray	Stevens of
Coykendall	Knudson	Ritchie	Wapello
Doze	McArthur	Roelofs	Valentine
Elthon	Meyer		

Absent or not voting, none.

The amendment was lost.

The bill was read for information.

Senator Valentine moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Anderson	Elthon	McArthur	Ritchie
Aschenbrenner	Fisch	Meyer	Roelofs
Baldwin	Frailey	Miller of	Schmidt
Bennett	Geske	Buchanan	Shangle
Byers	Harrington	Miller of Jones	Stanley
Calhoun	Hicklin	Moore	Stevens of
Carden	Hill	Mullaney	Decatur
Chrystal	Hush	Nelson	Stevens of
Coykendall	Kimberly	Patterson	Wapello
Doze	Knudson	Pendray	Valentine

Nays, 13.

Beardsley	Husted	Leo	Tripp
Beatty	Irwin	Reese	Wenner
Booth	Klemme	Topping	Wilson
Hopkins			

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the Senate.

Senator Hush moved to amend the title by striking from lines nine (9) and ten (10), the following:

“to amend Chapter twenty-four (24), Code, 1931;”.

The amendment was adopted.

The title as amended was agreed to.

Senator Valentine moved that the vote by which the bill passed the Senate be reconsidered and the motion to reconsider be laid on the table.

The motion prevailed.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 7th day of February, 1934, sent to the Governor for his approval, Senate Files 153 and 41. HOMER HUSH, *Chairman*.

Passed on file.

By unanimous consent on request of Senator Wilson the order of business was returned to the consideration of House messages.

HOUSE MESSAGES CONSIDERED

House File 43, a bill for an act to amend section sixty-one hundred twenty-seven (6127), sixty-one hundred thirty-four-d six (6134-d6), sixty-one hundred thirty-five (6135), sixty-one hundred forty-two (6142), Code, 1931, relating to public utilities and to the power of cities and towns.

Read first and second times and referred to committee on cities and towns.

House File 290, a bill for an act to amend Chapter 148, Acts of the Forty-fifth General Assembly, relating to the investment of funds of insurance companies.

Read first and second times and referred to committee on insurance.

The journal of February 6th was corrected and approved.

EXPLANATIONS OF VOTE

MR. PRESIDENT: In explaining why I voted for House File 1, I wish to state that I have conscientiously worked and used every effort in my power to help write a bill that would be a fair and just revision of our taxes, keeping in mind that we must reduce taxes on real estate and tangible property and put the burden on shoulders that are not now bearing their fair share.

While I think that Senate File 272 was a much fairer bill in this respect, when the substitution of it was defeated, in my mind I had no other choice, and preferred to vote for House File 1 than to have tax revision entirely fail at this session.

ROY E. STEVENS.

MR. PRESIDENT: I desire to file the following explanation of my vote of aye for the final passage of House File 1.

At the commencement of this session, I stated upon the floor that I expected to vote on whatever tax bill came up for final passage. I have consistently voted in favor of both the gross income tax and the classified transactions tax in preference to House File 1, because I believed, and still believe them to more nearly approach what the people of this state need. Either one of those two bills are tax revision measures and would take off a substantial part of the tax burden of real estate. House File 1 is to me a disappointment, but the Senate with the support of the administration has decided that House File 1 is as far as they want to go upon tax relief and tax revision, so that at the time it came up for passage it was the only tax revision bill left upon the calendar.

I voted for this bill with the further hope and expectation that the House of Representatives would refuse to accept the unfortunate amendment placed in this bill which terminates the sales tax in June, 1936, and the other unfortunate amendment which seeks to place a graduated tax in the bill. I trust that they will stand firm to make this bill, poor as it is, as much a permanent and substantial tax revision measure as is possible.

In my opinion the classified transactions tax as presented in Senate File 272 is the most progressive piece of tax legislation that has yet been attempted by any State Legislature, and I predict that when the people of this State become advised of what it can do that it will some day be adopted.

E. R. HICKLIN.

REPORTS OF COMMITTEE

Senator Hicklin submitted the following reports:

MR. PRESIDENT: Your committee on judiciary No. 2 to which was referred House File 209, a bill for an act to amend Section Thirty-nine hundred and twenty-one (3921), Code, 1931, relating to the powers of the Board of Education in regard to inventions of students, instructors and officials, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

Amend by adding at the end of Section one (1) thereof, the following:

"That the letters patent or copyright on inventions when so secured shall be the property of the State of Iowa, and the royalties and earnings thereon shall be credited to the funds of the institution in which such patent or copyright originated."

E. R. HICKLIN, *Chairman.*

Ordered passed on file.

Also:

Your committee on judiciary No. 2 to which was referred House File 299, a bill for an act to make permanent the transfer of ten thousand dollars (\$10,000), from the Secondary Road Construction Fund, to the Poor Fund in Taylor County, Iowa, begs leave to report it has had the same under consideration and returns the bill without recommendation.

E. R. HICKLIN, *Chairman.*

Ordered passed on file.

Also:

Your committee on judiciary No. 2, to which was referred House File 22, a bill for an act to amend paragraph eight (8) of section eighty-eight hundred twenty-nine (8829), Code, 1931, relating to the investment of the funds of fraternal beneficiary societies, orders, or associations, begs leave to report it has had the same under consideration and recommends the same do pass.

E. R. HICKLIN, *Chairman.*

Ordered passed on file.

Also:

Your committee on judiciary No. 2, to which was referred House File 20, a bill for an act to repeal section twelve (12), chapter eighty-nine (89), Acts 45th General Assembly, and to enact a substitute therefor, relating to the salary of the superintendent of the Hospital for Epileptics and School for Feeble-minded, begs leave to report it has had the same under consideration and recommends the same do pass.

E. R. HICKLIN, *Chairman.*

Ordered passed on file.

On motion of Senator Wilson the Senate adjourned until 10:00 a. m., Thursday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 8, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. P. R. Stevens, pastor of the Capital Hill Church of Christ, Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring passage of old age pension bill. Senator Harrington from Georgia Circle of Sioux City. Judiciary No. 2.

Opposing additional gasoline tax. Senator McArthur from voters of Mason City; Senator Carden from Washington County Medical Society. Ways and means.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the governor announcing that he had signed, on the second day of February, the following bill: Senate File 281, an act to make an appropriation for direct relief and/or work relief.

INTRODUCTION OF BILLS

Senate File 311, by committee on judiciary No. 2, a bill for an act to legalize warrants issued by the Council of the Town of Wyoming, County of Jones and State of Iowa, issued against its Waterworks Fund and the proceedings taken authorizing the retirement of said warrants and for the levy of taxes to pay the same.

Read first and second time and placed on the calendar.

Under rule 40, the President propounded the question: "Shall a sifting committee at this time be appointed?"

The vote was: Ayes 17, nays 17.

The vote being a tie the question was lost.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 135, a bill for an act relating to the annual license fees paid by restaurants.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 216, a bill for an act relating to pipe line companies permits and provisions thereof.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 257, a bill for an act relating to proof, certification, amount and manner of filing claims against the State Sinking Fund.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 12, a bill for an act relating to redemption by debtor of real property from execution sale.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 118, a bill for an act to make an appropriation to Ed A. Schmidt.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 126, a bill for an act authorizing courts to enter rule for mental examination of persons who affirmatively plead their own mental disability in any legal proceedings to which they are parties.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 149, a bill for an act to make an appropriation to Robert A. Turpin.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 273, a bill for an act to require the board of supervisors and the members thereof to close or cause to be closed all secondary roads to vehicular travel, which may be formally vacated or affirmatively abandoned by said board.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENT TO SENATE FILE 273

Amend Senate File 273 by striking sections two (2) and three (3).

Amend the title by striking from lines eight (8), nine (9), and ten (10), the following:

“, and to declare the civil and criminal responsibility for the negligent failure to perform said duty”.

MOTION TO TAKE FROM TABLE SENATE FILE 104
CONSIDERED

Senator Tripp called up for consideration the motion to take from the table the motion to reconsider the vote by which Senate File 104 passed the Senate, as filed on page 574 of the Senate journal.

Senator Patterson moved the adoption of the motion.

Roll call was demanded.

On the question “Shall the motion prevail?” the vote was:

Ayes, 21.

Anderson	Hush	Miller of	Ritchie
Aschenbrenner	Husted	Buchanan	Stanley
Calhoun	Kimberly	Moore	Topping
Geske	Klemme	Mullaney	Wenner
Harrington	Leo	Patterson	Wilson
Hopkins		Pendray	

Nays, 16.

Bennett	Hill	Miller of Jones	Shangle
Booth	Irwin	Reese	Stevens of
Carden	Knudson	Roelofs	Wapello
Coykendall	Meyer	Schmidt	Tripp
Elthon			

Absent or not voting, 13.

Baldwin	Chrystal	Hicklin	Stevens of
Beardsley	Doze	McArthur	Decatur
Beatty	Fisch	Nelson	Valentine
Byers	Frailey		

The motion having failed to receive a two-thirds majority vote, was not adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: House Files 275, 307, 308, 309, and 311.

HOMER HUSH, *Chairman Senate Committee.*
WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House Files 275, 307, 308, 309, and 311.

SPECIAL ORDER SENATE FILE 43 CONSIDERED

On motion of Senator Calhoun, Senate File 43, a bill for an act to repeal paragraphs three (3), four (4), five (5) and six (6), of Section thirteen hundred ninety-seven (1397); Code, 1931, and to enact substitutes therefor relating to computation of workmen's compensation and prescribing methods for computing the average weekly earnings and annual earning capacity in such computation, returned by the committee without recommendation, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Calhoun moved that the Senate resolve itself into a committee of the whole for the purpose of hearing two speakers for and against the bill.

The motion prevailed.

COMMITTEE OF THE WHOLE

Senator Calhoun moved that President N. G. Kraschel preside as chairman of the committee.

The motion prevailed.

Senator Calhoun moved that Mr. Fred C. Huebner be allowed to speak thirty minutes for the bill; that Mr. John T. Clarkson be allowed to speak thirty minutes against the bill; that Mr. Huebner then be permitted 10 minutes for rebuttal and Mr. Clarkson 5 minutes for sur-rebuttal, and that after they have finished speaking that a sufficient time be allowed for the propounding of questions and answers.

The motion prevailed.

On the request of Chairman Kraschel, Senator Hopkins moved that Senator Wenner be made the chairman of the committee of the whole to relieve President Kraschel as chairman.

The motion prevailed and Senator Wenner took the chair at 11:20 a. m.

Senator Klemme moved that the committee recess until 1:30 p. m. today.

The motion prevailed.

AFTERNOON SESSION

The committee of the whole reconvened, Chairman Edw. J. Wenner presiding.

Mr. Huebner continued speaking in rebuttal.

Mr. Clarkson closed the discussion.

Senator Mullaney moved that the committee of the whole arise.

The motion prevailed and the Senate resumed regular session at 2:15 p. m., President pro tempore Harold L. Irwin in the chair.

CONSIDERATION OF SENATE FILE 43 RESUMED

Senator Tripp called up for consideration his amendment, as filed on pages 293 to 296 inclusive of the Senate journal, and moved its adoption.

Senator Calhoun raised the point of order that the amendment was not germane, as is shown by page 135 of Robert's Rules of Order.

The chair held the point of order well taken.

Senator Stanley offered the following amendment and moved its adoption:

Amend by striking all of the last paragraph and in lieu thereof substituting the following:

"5. If the employment is so irregular, intermittent or seasonal in character that none of the foregoing methods of computation can reasonably and fairly be applied, then the average weekly earnings shall be ascertained by dividing the total earnings the injured workman received during the year next preceding the injury, from the employer for whom he was working at the time of injury, by the number of calendar weeks in which he performed work for said employer during said year. In making such computation absence from work for seven consecutive calendar days, though not in the same calendar week, shall be considered as a calendar week in which the employee performed no work for said employer. If such employee has been employed in said employment for a

less period than two calendar weeks at the time of injury, then his average weekly earnings shall be considered to be equivalent to the average weekly wage prevailing in the same or neighboring employments of the same grade as or most similar to the injured employee's employment."

Roll call was demanded.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 44.

Anderson	Doze	McArthur	Shangle
Aschenbrenner	Elthon	Meyer	Stanley
Baldwin	Fisch	Miller of	Stevens of
Beardsley	Geske	Buchanan	Decatur
Beatty	Harrington	Moore	Stevens of
Bennett	Hicklin	Mullaney	Wapello
Booth	Hill	Nelson	Topping
Byers	Hopkins	Patterson	Tripp
Calhoun	Husted	Pendray	Valentine
Carden	Irwin	Reese	Wenner
Chrystal	Kimberly	Ritchie	Wilson
Coykendall	Klemme	Roelofs	

Nays, none.

Absent or not voting, 6.

Frailey	Knudson	Miller of Jones	Schmidt
Hush	Leo		

The amendment was adopted.

Senator Klemme moved the previous question, which motion prevailed.

Senator Calhoun moved that the reading previously had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 4.

Calhoun	Harrington	Miller of	Miller of Jones
		Buchanan	

Nays, 38.

Anderson	Doze	Knudson	Shangle
Aschenbrenner	Elthon	Meyer	Stanley
Beardsley	Fisch	Moore	Stevens of
Beatty	Geske	Mullaney	Decatur
Bennett	Hill	Nelson	Stevens of
Booth	Hopkins	Patterson	Wapello
Byers	Hush	Pendray	Tripp
Carden	Irwin	Reese	Valentine
Chrystal	Kimberly	Ritchie	Wenner
Coykendall	Klemme	Roelofs	Wilson

Absent or not voting, 8.

Baldwin	Hicklin	Leo	Schmidt
Frailey	Husted	McArthur	Topping

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

Senator Tripp moved that the vote by which the bill failed to pass the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

Senator Mullaney moved that House File 232 be withdrawn from the committee on emergency legislation and placed on the calendar for immediate action.

Senator Mullaney withdrew his motion by unanimous consent.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Nelson, House File 268, a bill for an act to amend Chapter Six Hundred Sixteen-D-One (616-D1) Code, 1931, relating to the Police Radio Broadcasting System and to provide an appropriation therefor, substituted for Senate File 219 reported out by the appropriations committee for passage, was taken up, and considered.

By unanimous consent, on request of Senator Knudson, the committee report of Senate File 219 was made to apply to House File 268, which is a companion bill, and the report of the committee was adopted.

The bill was read for information.

Senator Nelson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Anderson	Fisch	Knudson	Ritchie
Aschenbrenner	Geske	Meyer	Roelofs
Baldwin	Harrington	Miller of	Schmidt
Beatty	Hicklin	Buchanan	Shangle
Bennett	Hill	Moore	Stevens of
Booth	Hopkins	Mullaney	Decatur
Byers	Husted	Nelson	Stevens of
Carden	Irwin	Patterson	Wapello
Coykendall	Kimberly	Pendray	Topping
Doze	Klemme	Reese	Wenner
Elthon			

Nays, none.

Absent or not voting, 12.

Beardsley	Frailey	McArthur	Tripp
Calhoun	Hush	Miller of Jones	Valentine
Chrystal	Leo	Stanley	Wilson

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

Senator Hill moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Nelson, Senate File 219, a companion bill to the one just passed, was withdrawn from further consideration.

By unanimous consent, on request of Senator Wilson, the order of business was returned to House messages.

HOUSE MESSAGES CONSIDERED

House File 257, a bill for an act to amend sections seventy-four hundred twenty-a9 (7420-a9), seventy-four hundred twenty-b1 (7420-b1) and seventy-four hundred twenty-a18 (7420-a18), Code 1931, relating to proof, certification, amount and manner of filing claims against the State Sinking Fund for public deposits where a bank or trust company has reorganized and trust certificates have issued; and also relating to payment, interest, presentation of objections regarding such claims, distribution by trustees, rights of Treasurer of State and rights of public depositors; and providing rules for construction.

Read first and second times and referred to committee on banks and banking.

House File 216, a bill for an act to provide for the issuing of a permit to pipe line companies engaged in the business of owning, operating or controlling lines for the transportation or transmission of gas, gasoline, oils, or motor fuels and/or inflammable fluids within or through this state; providing for construction and annual inspection fees; providing for the regulation of the construction, location and inspection of pipe lines; providing for the right of eminent domain and regulating the use of such right; providing that the board of railroad commissioners shall have supervision over pipe lines, and providing for the fixing of property security and responsibility by pipe line companies for the protection of persons sustaining damage by them; fixing jurisdiction in the district court of the county where any controversy arises involving said pipe lines, and providing a method of serv-

ice of notice of suit against pipe line companies; and providing for injunction and penalty for violation of same; and repealing chapter three hundred eighty-three-D one (383-D1), code, 1931.

Read first and second times and referred to committee on judiciary No. 1.

House File 135, a bill for an act to amend Chapter one hundred thirty-three (133), Code, 1931, providing for an inspection fee from any restaurant hereafter opened or hereafter changing ownership, and providing for the creation of a separate fund in the hands of the State Treasurer to be known as the restaurant fund, and limiting the purpose for which said fund may be used and providing for the transfer of said fund.

Read first and second times and referred to committee on agriculture.

The journal of February 7th was corrected and approved.

EXPLANATION OF VOTE

MR. PRESIDENT: I desire to add to my explanation of vote on House File No. 1, the following:

"The passage of this bill marks an epoch in taxation; it also represents a personal triumph for one of the members of the Senate. Throughout the past ten years or more, the net income tax has had no more ardent supporter than Senator Geo. W. Patterson. Though this measure has been met with abuse and defeated with derision through successive sessions of the legislature, Senator Patterson has seen his theory to victory largely because the people of the State have been educated to its fairness. In the past weeks of tax debate, no member of the Senate challenged the propriety of taxation based on ability to pay. As a revenue measure it alone is inadequate in the present circumstances, but as a permanent piece of social and tax reform it is a sound victory for Senator Patterson to whom I desire to pay this tribute now for his integrity, his tenacity, and for his smiling fairness."

E. R. HICKLIN.

AMENDMENTS FILED

Amend House File 292, Section 23, by adding after the period (.) in line 8 of said section, "It shall be a violation of this act for any one to purchase alcoholic liquor of or from any one not holding a license to sell."

WM. H. KLEMME.

Amend House File 292, Section 33, by striking the period (.) in line 8 thereof and adding the following: "and his permit revoked for one year."

WM. H. KLEMME.

Amend Senate File 276 as follows:

Amend section 5, line 14 by striking all after the comma after the word

“authority”, strike all of line 15, and all to and including the word “enlist” in line 16.

GARRITT E. ROELOFS.

Amend Senate File 276 by striking all of section 29 and inserting in lieu thereof the following:

“Sec. 29. Aid to civil authorities. The governor shall have the power, in case of breaches of the peace or imminent danger thereof, or where the law enforcing officers are unable to maintain law and order, to order into active service of the state, such of its military forces as he may deem proper, under the command of such officer as he may designate.

“Upon the finding by the governor that such emergency exists, he shall confer upon the commanding officer of the military forces, ordered to duty within the county or counties, and the officers and soldiers under his command, the power and authority of peace officers within such county or counties; who shall assume and discharge all the duties of sheriff and peace officers incident to such emergency in the affected territory.

“In carrying out the duties and obligations of the office of sheriff and/or peace officers, the officers and soldiers on duty shall have all the privileges and immunities of peace officers, in addition to the privileges and immunities elsewhere conferred by law.”

GARRITT E. ROELOFS.

Amend Senate File 276 by striking all of section 30 and inserting in lieu thereof the following:

“Sec. 30. Governor may regulate duties of county attorney’s office. Upon the finding by the governor with reference to the existence of any of the conditions referred to in the last preceding section, the attorney general, for the purpose of meeting all matters concerned in such emergency, shall, upon his own initiative, or upon direction of the governor, designate and appoint such assistant or assistants attorneys general, or other member or members of the legal profession equally qualified, to assume and discharge the duties of county attorney incident to such emergency in the affected territory during the period of the emergency, and such appointee or appointees are hereby clothed with all the power and authority of the attorney general conferred by statutes of the State of Iowa, for the period of such emergency.”

GARRITT E. ROELOFS.

On motion of Senator Harrington the Senate adjourned until 10:00 a. m. Friday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 9, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by H. A. Mitchell, ruling Elder of the Presbyterian Church, and journal clerk of the House of Representatives.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Leo for the forenoon, on request of Senator Hopkins; Senator Bennett for the day, on request of Senator Booth.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring special tax on chain stores. Senator Schmidt from business men of Johnson County. Cities and towns.

Favoring proposed bill seeking federal aid for housing program under PWA. Senator Wenner from Sioux City Trades and Labor Assembly. Emergency legislation.

CONSIDERATION OF HOUSE FILE 292 SPECIAL ORDER

Senator Frailey asked unanimous consent to have action on House File 292 deferred until 10:00 a. m. Wednesday, February 14th, to be a special order at that time.

Consent was granted.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has refused to concur in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 1, a bill for an act to equalize taxation and replace in

part the tax on property; to provide the public revenue to be used for such replacement by imposing a personal net income tax, a business tax on corporations, and a tax on the gross receipts from retail sales as defined herein; to provide for the collection of such taxes, the distribution and use of the revenue derived therefrom, and the administration of said law; to fix fines and penalties for the violation of the provisions of this act; and to repeal all laws or parts of laws in conflict herewith.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 327, a bill for an act to legalize the corporate acts and proceedings of Keokuk Base Ball Grounds association of Keokuk, Iowa.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 80, a bill for an act relating to the killing of fox and rabbits.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 168, a bill for an act having reference to the preferring of domestic materials and requiring a preference for products and provisions grown in Iowa.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 330, a bill for an act relating to the corporate stock and bonds in which insurance companies other than life may invest their capital and funds.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENTS TO SENATE FILE 168

Amend section one (1), line two (2), by inserting ", Code, 1931," preceding the word "be"; also:

Line six (6), insert immediately after the word "grown" the words "and coal produced".

Amend section two (2), line two (2), by inserting ", Code, 1931," preceding the word "be"; also:

Line five (5) insert immediately after the word "grown" the words "and coal produced".

Amend the title by inserting after the word "grown" in the last line thereof, the words "and coal produced".

SENATE FILE 276, SPECIAL ORDER CONSIDERED

By unanimous consent, on request of Senator Stanley, Senate File 276 was placed before House File 112 and Senate File 42 on the calendar.

On motion of Senator Stanley, Senate File 276, a bill for an act to revise and modernize the military laws of the State of Iowa, to define the military force of this state, to provide for their organization, equipment, training, pay and regulation, to provide

for the incorporation of companies and organizations therein, to prohibit the unauthorized wearing of the military uniform, to provide for the appointment and retirement of officers, to provide for the declaration of martial law and for the use of the military force of this state, to provide for military courts and define their duties, to provide for the issuance and protection of state and government property and funds, to provide for the appointment of the Adjutant General and other officers and boards, to provide for the control and improvement of the military reservation and rifle ranges, to make certain appropriations for the support of the military force, to repeal Chapter twenty-eight (28), Code, 1931, and Chapters seventeen (17) and eighteen (18) of the Acts of the Forty-Fifth General Assembly, relating to and constituting the military law of this state, with report of appropriations committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

The following committee amendment was considered:

Amend by striking Sec. 48.

The amendment was adopted.

Senator Roelofs offered the following amendment and moved its adoption:

Amend section 5, line 14 by striking all after the comma after the word "authority", strike all of line 15, and all to and including the word "enlist" in line 16.

The amendment was adopted.

Senator Roelofs offered the following amendment and moved its adoption:

Amend by striking all of section 29 and inserting in lieu thereof the following:

"Sec. 29. Aid to civil authorities. The governor shall have the power, in case of breaches of the peace or imminent danger thereof, or where the law enforcing officers are unable to maintain law and order, to order into active service of the state, such of its military forces as he may deem proper, under the command of such officer as he may designate.

"Upon the finding by the governor that such emergency exists, he shall confer upon the commanding officer of the military forces, ordered to duty within the county or counties, and the officers and soldiers under his command, the power and authority of peace officers within such county or counties; who shall assume and discharge all the duties of sheriff and peace officers incident to such emergency in the affected territory.

"In carrying out the duties and obligations of the office of sheriff and/or peace officers, the officers and soldiers on duty shall have all the privilege and immunities of peace officers, in addition to the privileges and immunities elsewhere conferred by law."

Senator Beardsley raised the point of order that Senator Booth was not talking on the amendment but on the bill.

The President held the point of order not well taken.

Senator Stanley, as a substitute for the pending amendment and the amendment to sec. 30 as filed on page 990 of the Senate journal, offered the following amendment and moved its adoption:

Amend by striking from Section 29 all after the word "designate." in line 6; also by striking all of Section 30.

Senator Shangle discussed the question.

Senator Wilson raised the point of order that the amendment proposed by Senator Stanley was the only subject matter under discussion at the time and Senator Shangle was discussing another section of the bill to which the amendment of Senator Stanley did not apply.

The President held the point of order well taken.

Senator Byers moved the previous question on the pending amendment, which motion prevailed.

The substitution was made.

The substitute amendment was adopted.

Senator Shangle offered the following amendment and moved its adoption:

Amend by striking out section twenty-eight (28) and renumbering the remaining sections.

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 20.			
Aschenbrenner	Doze	Hush	Reese
Beardsley	Elthon	Husted	Ritchie
Beatty	Harrington	Miller of Jones	Roelofs
Calhoun	Hill	Patterson	Shangle
Coykendall	Hopkins	Pendray	Wenner

Nays, 27.

Anderson	Hicklin	Miller of	Stevens of
Baldwin	Irwin	Buchanan	Decatur
Booth	Kimberly	Moore	Stevens of
Byers	Klemme	Mullaney	Wapello
Carden	Knudson	Nelson	Topping
Chrystal	McArthur	Schmidt	Tripp
Frailey	Meyer	Stanley	Valentine
Geske			Wilson

Absent or not voting, 3.

Bennett	Fisch	Leo
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The amendment was lost.

Senator Tripp offered the following amendment and moved its adoption:

Amend by striking sections 28 and 29 and inserting in lieu thereof the following:

"Sec. 28. The governor shall have the power, in cases of insurrection, invasion, or breaches of the peace, or imminent danger thereof, to order into the service of the state such of its military forces as he may think proper, under the command of such officer as the governor may designate."

Senator Stanley moved that action be deferred and the bill retain its place on the preferred list as a special order.

The motion prevailed.

Under rule 40 the President propounded the question: "Shall a sifting committee at this time be appointed?"

An opinion of the chair was asked whether or not the calendar would go to the sifting committee.

The President announced that the calendar would not be included and that it would require another motion to accomplish that purpose.

Roll call was demanded.

On the question "Shall the motion prevail?" the vote was:

Ayes, 29.

Anderson	Geske	Meyer	Schmidt
Baldwin	Harrington	Miller of	Stanley
Booth	Hicklin	Buchanan	Stevens of
Byers	Hush	Miller of Jones	Decatur
Carden	Irwin	Moore	Topping
Doze	Kimberly	Mullaney	Valentine
Elthon	Knudson	Pendray	Wilson
Frailey	McArthur	Roelofs	

Nays, 17.

Aschenbrenner	Hill	Patterson	Stevens of
Beardsley	Hopkins	Reese	Wapello
Beatty	Husted	Ritchie	Tripp
Calhoun	Klemme	Shangle	Wenner
Chrystal	Nelson		

Absent or not voting, 4.

Bennett	Coykendall	Fisch	Leo
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The motion prevailed and appointment of a sifting committee was authorized.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled Senate Files 126, 12, 149 and 118.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate Files 126, 12, 149 and 118.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 9th day of February, 1934, sent to the Governor for his approval, Senate Files 126, 12, 149 and 118.

HOMER HUSH, *Chairman.*

Passed on file.

HOUSE AMENDMENTS CONSIDERED

Senator Topping called up for consideration Senate File 168, amended by the House, and moved that the rules be suspended and the Senate concur in the following amendments:

Amend section one (1), line two (2), by inserting ", Code, 1931," preceding the word "be"; also: Line six (6), insert immediately after the word "grown" the words "and coal produced".

Amend section two (2), line two (2), by inserting ", Code, 1931," pre-

ceding the word "be"; also: Line five (5) insert immediately after the word "grown" the words "and coal produced".

Amend the title by inserting after the word "grown" in the last line thereof, the words "and coal produced".

On the question "Shall the Senate concur?" the vote was:

Ayes, 43.

Anderson	Frailey	Meyer	Shangle
Aschenbrenner	Geske	Miller of	Stanley
Baldwin	Harrington	Buchanan	Stevens of
Beardsley	Hicklin	Miller of Jones	Decatur
Beatty	Hopkins	Mullaney	Stevens of
Booth	Hush	Nelson	Wapello
Byers	Husted	Patterson	Topping
Calhoun	Irwin	Pendray	Tripp
Carden	Kimberly	Reese	Valentine
Chrystal	Klemme	Ritchie	Wenner
Coykendall	Knudson	Roelofs	Wilson
Doze	McArthur		

Nays, none.

Absent or not voting, 7.

Bennett	Fisch	Leo	Schmidt
Elthon	Hill	Moore	

The House amendments having received a constitutional majority were declared to have been adopted and concurred in by the Senate.

President pro tempore Harold L. Irwin was called to the chair at 11:55 a. m.

By unanimous consent, on request of Senator Wilson, the order of business was returned to House Messages.

HOUSE MESSAGES CONSIDERED

House File 80, a bill for an act relating to fur bearing animals and to permit the killing of fox and rabbit at any time in any manner, except by poisoning, and repealing all provisions of law imposing restrictions and limitations upon the right to kill or trap the same.

Read first and second times and referred to sifting committee.

House File 327, a bill for an act to legalize the corporate acts and proceedings of Keokuk Base Ball Grounds Association of Keokuk, Iowa, and to provide for the renewal and extension of the period of corporate existence of said Keokuk Base Ball Grounds Association.

Read first and second times and referred to sifting committee.

House File 330, a bill for an act to amend paragraph six (6) of Section eighty-nine hundred twenty-seven (8927) of the Code of Iowa, 1931, relating to the corporate stock and bonds in which insurance companies other than life may invest their capital and funds.

Read first and second times and referred to committee on insurance.

Senator Mullaney asked unanimous consent to consider Senate File 145.

Objection was raised.

Senator Shangle moved that the Senate recess until 1:30 p. m. today.

Senator Mullaney moved that the Senate consider Senate File 145.

The chair ruled the motion out of order as there was a motion to recess before the Senate.

The motion to recess prevailed and the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel.

HOUSE FILE 216 SUBSTITUTED FOR SENATE FILE 215

Senator Harrington moved that House File 216 be substituted on the calendar for Senate File 215, a companion bill.

The motion prevailed.

Senator Harrington moved that Senate File 145 be taken up and considered.

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the motion prevail?" the vote was:

Ayes, 18.

Aschenbrenner	Hill	Miller of Jones	Ritchie
Byers	Klemme	Mullaney	Roelofs
Calhoun	Knudson	Nelson	Shangle
Doze	McArthur	Patterson	Valentine
Harrington	Meyer		

Nays, 22.

Baldwin	Frailey	Kimberly	Stevens of
Beardsley	Hicklin	Leo	Decatur
Beatty	Hopkins	Miller of	Topping
Carden	Hush	Buchanan	Tripp
Elthon	Husted	Pendray	Wenner
Fisch	Irwin	Reese	Wilson

Absent or not voting, 10.

Anderson	Chrystal	Moore	Stevens of
Bennett	Coykendall	Schmidt	Wapello
Booth	Geske	Stanley	

The motion was lost.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Knudson, Senate File 300, a bill for an act to amend Chapter 148, Acts of the Forty-fifth General Assembly, relating to the investment of funds of insurance companies, with report of committee recommending passage, an insurance committee bill, was taken up and considered.

By unanimous consent, on request of Senator Knudson, House File 290 was substituted for Senate File 300.

On motion of Senator Knudson, House File 290, a bill for an act to amend Chapter 148, Acts of the Forty-fifth General Assembly, relating to the investment of funds of insurance companies, was taken up and considered.

The bill was read for information.

Senator Knudson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Aschenbrenner	Doze	Hicklin	Knudson
Baldwin	Elthon	Hopkins	Leo
Beardsley	Fisch	Hush	McArthur
Byers	Frailey	Irwin	Meyer
Carden	Geske	Kimberly	Miller of
Coykendall	Harrington	Klemme	Buchanan

Miller of Jones	Ritchie	Stevens of	Valentine
Mullaney	Roelofs	Decatur	Wenner
Patterson	Shangle	Topping	Wilson
Pendray	Stanley		

Nays, none.

Absent or not voting, 14.

Anderson	Calhoun	Moore	Stevens of
Beatty	Chrystal	Nelson	Wapello
Bennett	Hill	Reese	Tripp
Booth	Husted	Schmidt	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Knudson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Knudson, Senate File 300, a companion bill to the one just passed, was withdrawn from further consideration.

SPECIAL ORDER HOUSE FILE 112 CONSIDERED

On motion of Senator Hicklin, House File 112, a bill for an act to amend chapter one hundred ninety-nine (199), Code, 1931, by inserting after section four thousand eighteen (4018) a new section; to amend sections four thousand twenty-five (4025), four thousand twenty-six (4026) and four thousand twenty-eight (4028), Code, 1931; and to repeal sections four thousand ten (4010), four thousand twelve (4012), four thousand sixteen (4016), four thousand seventeen (4017), and four thousand twenty-one (4021), Code, 1931, and to enact substitutes therefor, all relating to the treatment of indigent persons, with report of committee recommending passage, was taken up and considered.

The bill was read for information.

Senator Moore moved to defer action.

Senator Hicklin as a substitute moved that action on House File 112 be deferred as a special order until 10:00 a. m. Tuesday.

The substitution was made.

The substitute motion was adopted.

Senator Harrington moved that when the Senate adjourns today it be to reconvene at 10:00 a. m. Tuesday, February 13th.

Senator Wilson moved to lay the motion on the table.

The motion prevailed.

Senator Beardsley moved that when the Senate adjourns today it be to reconvene at 10:00 a. m. Saturday.

The motion prevailed.

REPORT OF COMMITTEE

Senator Knudson submitted the following report:

MR. PRESIDENT: Your committee on insurance to which was referred House File 330, a bill for an act to amend paragraph six (6) of Section eighty-nine hundred twenty-seven (8927) of the Code of Iowa, 1931, relating to the corporate stock and bonds in which insurance companies other than life may invest their capital and funds, begs leave to report it has had the same under consideration and returns the bill without recommendation.

IRVING H. KNUDSON, *Chairman.*

Ordered passed on file.

THIRD READING OF BILLS

On motion of Senator Knudson, the rules were suspended and House File 330, a bill for an act to amend paragraph six (6) of Section eighty-nine hundred twenty-seven (8927) of the Code of Iowa, 1931, relating to the corporate stock and bonds in which insurance companies other than life may invest their capital and funds, returned without recommendation, was taken up and considered, and the report of the committee adopted.

The bill was read for information.

Senator Knudson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 34.

Anderson	Harrington	Meyer	Shangle
Aschenbrenner	Hicklin	Miller of	Stanley
Baldwin	Hill	Buchanan	Stevens of
Byers	Hopkins	Moore	Wapello
Chrystal	Hush	Mullaney	Topping
Coykendall	Irwin	Patterson	Tripp
Doze	Kimberly	Reese	Valentine
Frailey	Klemme	Ritchie	Wenner
Geske	Knudson	Roelofs	Wilson

Nays, 4.			
Beardsley	Calhoun	Nelson	Stevens of Decatur

Absent or not voting, 12.

Beatty	Carden	Husted	Miller of Jones
Bennett	Elthon	Leo	Pendray
Booth	Fisch	McArthur	Schmidt

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Knudson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

Senator Frailey moved that the calendar, except special orders, unfinished business, and claims and appropriation bills, be referred to the sifting committee.

Senator Beardsley raised the point of order that there was no sifting committee appointed at this time, and the motion was out of order.

The President ruled that authority had been given for a sifting committee and the motion was in order.

Roll call was demanded on the question.

On the question "Shall the motion prevail?" the vote was:

Ayes, 31.

Anderson	Fisch	Kimberly	Roelofs
Aschenbrenner	Frailey	Klemme	Shangle
Baldwin	Geske	Knudson	Stevens of Decatur
Bennett	Harrington	McArthur	Stevens of Wapello
Booth	Hicklin	Meyer	Topping
Byers	Hill	Miller of Jones	Valentine
Chrystal	Hush	Mullaney	
Doze	Irwin	Pendray	
Elthon			

Nays, 15.

Beardsley	Hopkins	Nelson	Stanley
Beatty	Husted	Patterson	Tripp
Calhoun	Miller of Buchanan	Reese	Wenner
Coykendall		Ritchie	Wilson

Absent or not voting, 4.

Carden	Leo	Moore	Schmidt
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The motion prevailed.

Senator Irwin moved that a two-thirds majority vote be required to withdraw a bill from the sifting committee.

Senator Hill moved to amend by striking the word "two-thirds" and substituting the word "constitutional" in lieu thereof.

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the amendment to the motion prevail?" the vote was:

Ayes, 25.

Aschenbrenner	Elthon	Nelson	Stanley
Beardsley	Fisch	Patterson	Stevens of
Beatty	Hill	Pendray	Wapello
Booth	Husted	Ritchie	Tripp
Calhoun	Klemme	Roelofs	Wenner
Coykendall	McArthur	Shangle	Wilson
Doze	Mullaney		

Nays, 21.

Anderson	Harrington	Knudson	Reese
Baldwin	Hicklin	Meyer	Stevens of
Byers	Hopkins	Miller of	Decatur
Chrystal	Hush	Buchanan	Topping
Frailey	Irwin	Miller of Jones	Valentine
Geske	Kimberly	Moore	

Absent or not voting, 4.

Bennett	Carden	Leo	Schmidt
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The amendment to the motion prevailed.

Roll call was demanded on the motion as amended.

On the question "Shall the motion as amended be adopted?" the vote was:

Ayes, 35.

Aschenbrenner	Frailey	Miller of Jones	Stevens of
Beardsley	Harrington	Mullaney	Decatur
Booth	Hill	Nelson	Stevens of
Byers	Hopkins	Patterson	Wapello
Calhoun	Husted	Pendray	Topping
Chrystal	Irwin	Ritchie	Tripp
Coykendall	Klemme	Roelofs	Valentine
Doze	McArthur	Shangle	Wenner
Elthon	Miller of	Stanley	Wilson
Fisch	Buchanan		

Nays, 7.

Anderson	Kimberly	Meyer	Reese
Hicklin	Knudson	Moore	

Absent or not voting, 8.

Baldwin	Bennett	Geske	Leo
Beatty	Carden	Hush	Schmidt

The motion as amended prevailed.

Senator Hopkins moved that the Sifting Committee prepare a calendar and that the Senate follow that calendar. If the sponsors of any bill are not ready to handle the bill that the bill lose its place on the calendar and automatically go to the foot of the calendar.

By unanimous consent, on request of Senator Hopkins, the following: “, except for bills previously excepted.” was added to the motion.

The motion as amended was adopted.

President pro tempore Harold L. Irwin was called to the chair at 2:47 p. m.

SENATE FILE 276 MADE SPECIAL ORDER

Senator Stanley moved that Senate File 276 be made a special order following the special order on House File 112, Tuesday.

The motion prevailed.

Senator Shangle asked unanimous consent to be excused for the remainder of the day and tomorrow.

Objection was raised.

SPECIAL ORDER SENATE FILE 103 CONSIDERED

By unanimous consent, on motion of Senator Coykendall, Senate File 103, a bill for an act amending Section sixty-one hundred thirty-four-d1 (6134-d1), Code, 1931, and providing for the issuance by municipalities of negotiable revenue bonds payable only out of the net earnings of municipally owned public utilities, providing the security for the payment of such bonds; providing for the delivery or sale of such bonds and that the same may be used as security for money borrowed to pay the cost of such improvement, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Harrington offered the following amendment as a substitute for the amendment previously filed by him appearing on page 682 of the Senate journal, and moved its adoption:

Amend by striking all of Section 1, and inserting in lieu thereof the following:

Section 1. Section Sixty-one hundred thirty-four d-1 (6134-d1) Code 1931, is amended by adding thereto the following:

“For the purpose of defraying the cost of any such plant, improvement or extension thereof, any such city or town is hereby authorized to issue negotiable interest bearing revenue bonds, payable from and secured by the net earnings of the plant and the pledge of the property purchased, which bonds shall not constitute a general obligation of such city or town or be payable in any manner by taxation.

“Such bonds shall be substantially in the following form, to-wit:

“The City (or town) of....., in the State of Iowa, for value received, promises to pay to bearer, in the manner hereinafter specified, the sum of.....Dollars lawful money of the United States of America, on the.....day of....., with interest on said sum from.....until paid at the rate of.....per cent per annum, payable.....annually on the.....day of.....and.....in each year, on presentation and surrender of the interest coupons hereto attached; both principal and interest payable at.....

This Bond is issued by the city (or town) of.....pursuant to the provisions of.....of the Code of Iowa, and in conformity to a resolution of the (council or board of trustees of.....) of said city (or town) duly passed on the.....day of.....

This Bond is one of a series of bonds of like tenor and date numbered from.....to....., is issued for the purpose of defraying the cost of.....; and is not a general obligation, but is payable solely and only out of the future earnings of said.....; said property purchased and the net earnings of.....are pledged to the payment hereof. This bond is not payable in any manner by taxation and under no circumstances shall the city (or town) be in any manner liable by reason of the failure of the said net earnings to be sufficient for the payment hereof.

In testimony whereof said city (or town) by its council (or board of.....trustees) has caused this bond to be signed by its mayor and attested by its clerk (or by the chairman of said board of.....trustees and attested* by the clerk of said board), with the seal of said city (or town or board of.....trustees) attached, this.....day of.....’

Attest:

(On each such bond offered for sale to the public shall be printed in bold face type across the face of the bond the following provision:

‘This bond is not a general obligation bond nor payable in any manner by taxation but is payable only from the net earnings of the.....plant of....., Iowa.’)

(Form of Coupon)

"The Treasurer of the city (or town) of....., Iowa,
 will pay to bearer, out of the future earnings of.....,
 Dollars on.....,
 at..... for..... annual interest on
 its..... revenue bond number.....
 dated.....

Attest:

(facsimile signature)

.....
 Clerk of the City (or town, or of the board of trustees.)

"Such revenue bonds may when the plant or improvement is fully completed in accordance with the plans and specifications and accepted by such city or town be delivered to the contractor or contractors in payment for such improvement, or they may be sold by the municipality and the proceeds used to pay for such improvement and/or such bonds may be used as collateral security for money borrowed to pay the cost of such improvement, such loan to be repaid only out of the net earnings of the plant after providing for adequate depreciation.

"Such bonds or other securities issued hereunder shall not be exempt from but shall be subject to taxation as moneys and credits, in the manner provided by law.

"Any such bonds or other securities, when offered for sale to the public, shall first be registered and qualified, in accordance with Chapter 393-c1, Code of 1931, and shall not be exempt therefrom; any provisions in the statutes to the contrary notwithstanding."

Senator Beardsley moved to defer action, the bill to retain its place on the calendar.

The motion prevailed.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Nelson, House File 209, a bill for an act to amend Section Thirty-nine hundred and twenty-one (3921), Code, 1931, relating to the powers of the Board of Education in regard to inventions of students, instructors and officials, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

The following committee amendment was considered:

Amend by adding at the end of Section one (1) thereof, the following:
 "That the letters patent or copyright on inventions when so secured shall be the property of the State of Iowa, and the royalties and earnings

thereon shall be credited to the funds of the institution in which such patent or copyright originated."

The amendment was adopted.

Senator Nelson offered the following amendment and moved its adoption:

Amend by striking the words "Paragraph No. 9-a" and "Par. No. 9-a." where they appear in lines 2, 3 and 4 of section 1.

The amendment was adopted.

Senator Nelson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 44.

Anderson	Fisch	Leo	Reese
Aschenbrenner	Frailey	McArthur	Ritchie
Baldwin	Geske	Meyer	Roelofs
Beardsley	Harrington	Miller of	Shangle
Beatty	Hicklin	Buchanan	Stevens of
Booth	Hopkins	Miller of Jones	Wapello
Byers	Hush	Moore	Topping
Calhoun	Husted	Mullaney	Tripp
Chrystal	Irwin	Nelson	Valentine
Coykendall	Kimberly	Patterson	Wenner
Doze	Klemme	Pendray	Wilson
Elthon	Knudson		

Nays, none.

Absent or not voting, 6.

Bennett	Hill	Stanley	Stevens of
Carden	Schmidt		Decatur

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENTS CONSIDERED

Senator Booth called up for consideration Senate File 273, amended by the House, and moved that the Senate concur in the following amendments:

Amend by striking sections two (2) and three (3).

Amend the title by striking from lines eight (8), nine (9), and ten (10), the following:

"and to declare the civil and criminal responsibility for the negligent failure to perform said duty".

On the question "Shall the Senate concur?" the vote was:

Ayes, none.

Nays, 44.

Anderson	Frailey	Leo	Shangle
Aschenbrenner	Geske	Meyer	Stanley
Baldwin	Harrington	Miller of	Stevens of
Beardsley	Hicklin	Buchanan	Decatur
Booth	Hill	Miller of Jones	Stevens of
Byers	Hopkins	Moore	Wapello
Calhoun	Hush	Mullaney	Topping
Chrystal	Husted	Nelson	Tripp
Coykendall	Irwin	Pendray	Valentine
Doze	Kimberly	Reese	Wenner
Elthon	Klemme	Ritchie	Wilson
Fisch	Knudson	Schmidt	

Absent or not voting, 6.

Beatty	Carden	Patterson	Roelofs
Bennett	McArthur		

The House amendments having failed to receive a constitutional majority were declared to have failed to be adopted and concurred in by the Senate.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Wilson, Senate File 295, a bill for an act to provide for the creation, maintenance and administration of a Police Retirement or Pension System and/or a Fire Retirement or Pension System in all cities of this State, including special charter cities and cities under the city manager form of government, that now or may hereafter have Police and/or Fire department employees appointed under Civil Service by requirement of law; providing for payments to such members of said forces who shall be appointed after the date this Act takes effect, in said cities, and to certain dependents; defining the terms used in this Act; providing names by which such Systems shall be known; providing who shall be eligible to benefits and what benefits shall be payable; providing for the creation of Boards of Trustees to manage and administer such Retirement Systems and prescribing their powers, duties and mode of procedure; providing for the method of financing and the creation and disposition of certain funds; providing for contributions from members and appropriations by such cities to finance such Retirement Systems; providing that the payments of all pensions, annuities, retirement allowances, refunds and other benefits granted under the provisions of this Act and all expenses of administration and operation of such Retirement Systems shall be obligations of the said cities; and providing for the exemption of benefits under such Retirement Systems from attachment, execution, garnishment or other legal process; all re-

lating to Retirement Systems applicable only to Civil Service members of Police and/or Fire departments who shall be appointed to such forces after the date this Act takes effect; also, to amend sections six thousand three hundred ten (6310), as amended by the 45th General Assembly, six thousand three hundred eleven (6311); six thousand three hundred fourteen (6314); six thousand three hundred sixteen (6316); six thousand three hundred eighteen (6318); and six thousand three hundred twenty-one (6321); all of the Code, 1931; and to repeal section six thousand three hundred twenty-three (6323), Code, 1931, and to enact a substitute therefor, all relating to pensions for disabled and retired firemen and policemen and civil service members of police and/or fire departments appointed prior to the date this Act takes effect, a cities and towns committee bill, was taken up and considered.

The bill was read for information.

Senator Wilson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 42.

Anderson	Geske	Leo	Roelofs
Aschenbrenner	Harrington	Miller of	Shangle
Baldwin	Hicklin	Buchanan	Stanley
Beardsley	Hill	Miller of Jones	Stevens of
Booth	Hopkins	Moore	Decatur
Byers	Hush	Mullaney	Stevens of
Chrystal	Husted	Nelson	Wapello
Coykendall	Irwin	Patterson	Topping
Doze	Kimberly	Pendray	Valentine
Elthon	Klemme	Reese	Wenner
Fisch	Knudson	Ritchie	Wilson
Frailey			

Nays, none.

Absent or not voting, 8.

Beatty	Calhoun	McArthur	Schmidt
Bennett	Carden	Meyer	Tripp

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Wilson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

HOUSE AMENDMENTS CONSIDERED

Senator Husted called up for consideration Senate File 232, amended by the House, and moved that the Senate concur in the following amendment:

Amend section one (1), line six (6), by inserting after the word "board" the following: "or trustees of drainage districts,".

On the question "Shall the Senate concur?" the vote was:

Ayes, 38.

Anderson	Harrington	Leo	Roelofs
Aschenbrenner	Hicklin	Meyer	Stanley
Beardsley	Hill	Miller of	Stevens of
Booth	Hopkins	Buchanan	Decatur
Byers	Hush	Miller of Jones	Stevens of
Chrystal	Husted	Mullaney	Wapello
Doze	Irwin	Nelson	Topping
Elthon	Kimberly	Patterson	Tripp
Fisch	Klemme	Pendray	Wenner
Frailey	Knudson	Ritchie	Wilson
Geske			

Nays, none.

Absent or not voting, 12.

Baldwin	Calhoun	McArthur	Schmidt
Beatty	Carden	Moore	Shangle
Bennett	Coykendall	Reese	Valentine

The House amendment having received a constitutional majority was declared to have been adopted and concurred in by the Senate.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Wenner, Senate File 223, a bill for an act to amend sections nine hundred twenty-seven (927), nine hundred twenty-eight (928), nine hundred thirty-one (931), nine hundred thirty-six (936) and nine hundred forty-three (943), Chapter forty-four (44), code, 1931, as same relates to the qualifications of an absentee voter and the manner and time of obtaining and voting absentee ballots, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The following committee amendments were considered:

Amend Section four (4) line two (2) by striking the word "and" following the figure "(3)" and inserting in lieu thereof a ",",

Amend Section four (4) line two (2) by adding after the figure "(4)" the following: "and five (5)".

Amend Section four (4) line four (4) by striking the words "have been" and inserting in lieu thereof the word "are".

Amend by striking all of Section six (6) and inserting in lieu thereof the following:

"Sec. 6. This act being deemed of immediate importance shall be in full force and effect after its passage and publication in the Humeston New Era, a newspaper published at Humeston, Iowa, and in the Van Buren Record, a newspaper published at Bonaparte, Iowa."

The amendments were adopted.

The bill was read for information.

Senator Doze moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 42.

Anderson	Harrington	McArthur	Roelofs
Aschenbrenner	Hicklin	Meyer	Stanley
Beardsley	Hill	Miller of	Stevens of
Booth	Hopkins	Buchanan	Decatur
Calhoun	Hush	Miller of Jones	Stevens of
Chrystal	Husted	Moore	Wapello
Coykendall	Irwin	Mullaney	Topping
Doze	Kimberly	Nelson	Tripp
Elthon	Klemme	Patterson	Valentine
Fisch	Knudson	Pendray	Wenner
Fralley	Leo	Reese	Wilson
Geske			

Nays, none.

Absent or not voting, 8.

Baldwin	Bennett	Carden	Schmidt
Beatty	Byers	Ritchie	Shangle

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Wenner moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Wenner, Senate File 224, a bill for an act to amend section seven hundred thirty-eight (738), chapter forty (40), code, 1931, regulating compensation of election boards, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Wenner moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 41.

Anderson	Harrington	McArthur	Roelofs
Aschenbrenner	Hicklin	Meyer	Stanley
Beardsley	Hill	Miller of	Stevens of
Booth	Hopkins	Buchanan	Decatur
Byers	Hush	Miller of Jones	Stevens of
Calhoun	Husted	Moore	Wapello
Coykendall	Irwin	Mullaney	Topping
Elthon	Kimberly	Patterson	Tripp
Fisch	Klemme	Pendray	Valentine
Frailey	Knudson	Reese	Wenner
Geske	Leo	Ritchie	Wilson

Nays, none.

Absent or not voting, 9.

Baldwin	Carden	Doze	Schmidt
Beatty	Chrystal	Nelson	Shangle
Bennett			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Wenner moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Wenner, Senate File 225, a bill for an act to amend sections five hundred forty-two (542), five hundred forty-three (543) and five hundred forty-six (546), chapter thirty-six (36), code, 1931, regulating the circulation, signing and filing of nomination papers, with report of committee recommending indefinite postponement, was taken up and considered.

The report was adopted and the bill indefinitely postponed.

By unanimous consent, on motion of Senator Wenner, Senate File 112, a bill for an act to clarify the absent voters' law with respect to the oaths required of such voters, and as to the officers who may take and certify such oaths, and to amend and supplement Chapter Forty-four (44) of the Code of Iowa, 1931, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Topping moved to adjourn until 10:00 a. m. tomorrow.

The motion was lost.

Senator Wenner moved that the reading just had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 15.

Booth	Hopkins	Leo	Pendray
Calhoun	Hush	McArthur	Stanley
Frailey	Husted	Nelson	Wenner
Hicklin	Kimberly	Patterson	

Nays, 27.

Anderson	Elthon	Miller of Jones	Stevens of
Aschenbrenner	Fisch	Moore	Wapello
Beardsley	Geske	Mullaney	Topping
Beatty	Harrington	Ritchie	Tripp
Byers	Hill	Roelofs	Valentine
Chrystal	Irwin	Stevens of	Wilson
Coykendall	Klemme	Decatur	
Doze	Meyer		

Absent or not voting, 8.

Baldwin	Carden	Miller of	Reese
Bennett	Knudson	Buchanan	Schmidt
			Shangle

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

SENATE CONCURRENT RESOLUTION 10

Whereas, By Chapter 249 of the Acts of the 44th General Assembly the Executive Council of the state was constituted "Century of Progress Exposition Commission" and an appropriation of twenty-five thousand dollars (\$25,000.00) was made for the purpose of advertising and boosting the State of Iowa at said exposition, and

Whereas, It was further provided by said Act of the Legislature that the Executive Council should make a report, or statement, of all its doings, including the exhibits made by the state, the prizes won by or awards made to the state and accounting of monies spent, and

Whereas, No such report has been made, and

Whereas, Chapter 249 of the Acts of the 44th General Assembly provides: "At the close of its services the commission shall make a statement of all of its doings, which statement shall include a showing of all exhibits made by the State of Iowa, or the citizens thereof, and the awards made on such exhibits," now, therefore,

Be It Resolved by the Senate, the House concurring that:

1. The Executive Council be and is hereby directed to make a full,

detailed and itemized report of its doings as the "Century of Progress Exposition Commission" without further delay.

2. Such report shall recite the exhibits made by the state and the awards made thereon.

3. The Executive Council shall disclose what arrangements or plans, if any, it has relative to the continuing of the Iowa Exhibit in case the Century of Progress Exposition is held again during 1934.

G. W. PATTERSON.

Passed on file.

The journal of February 8th was corrected and approved.

AMENDMENTS FILED

Amend Senate File 276 by enacting as Section Sixty-nine (69) the following: "Chapter twenty-eight (28), Code, 1931, and Chapters seventeen (17) and eighteen (18) of the Acts of the 45th General Assembly are hereby repealed."

Further amend said bill by renumbering section "sixty-nine (69)" as section "seventy (70)".

CLAUDE STANLEY.

Amend Senate File 276 by striking all of sections twenty-eight (28) and twenty-nine (29), and substituting in lieu thereof the following as sections twenty-eight (28) and twenty-nine (29):

"Sec. 28. The governor may order out troops. The governor shall have the power, in case of insurrection, invasion, or breaches of peace, or imminent danger thereof, to order into the service of the state such of its military forces as he may think proper, under the command of such officer as he may designate.

"Sec. 29. Aid to civil authorities. When the law enforcing officers of any subdivision or subdivisions of the state are unable to maintain law and order, the governor shall have the power, on the request of the civil authorities of such subdivision or subdivisions, in case of breaches of peace or imminent danger thereof, to order into active service of the state such of its military forces as he may deem proper, under the command of such officer as he may designate, for the purpose of aiding the civil authorities in maintaining law and order in such subdivision or subdivisions."

D. MYRON TRIPP.

Amend Senate File 276 by adding after the word "power," in line 2 of section 29 the following: "on request of the civil authority,"

CARL ASCHENBRENNER.

Amend Senate File 276 by striking section 28 and substituting in lieu thereof the following:

"The governor shall have the power, in cases of insurrection, invasion, or breaches of the peace, or imminent danger thereof, to order into the service of the state such of its military forces as he may think proper, under the command of the senior officer thereof."

WM. S. BEARDSLEY.

Amend House File 185 by striking therefrom all following the enacting clause and by substituting in lieu thereof the following:

Section 1. That Section five thousand ninety-three a two (5093-a2), Code, 1931, is amended by striking the fourth paragraph and inserting in lieu thereof the following:

"The term 'Motor Vehicle Fuel' shall mean any petroleum product, and/or benzene product either alone or in combination with any petroleum product and/or other substance which has a flash point of less than 100 degrees Fahrenheit when tested in the Tagliabue closed cup, or has by the American Society for Testing Materials Methods for the distillation of petroleum products an initial boiling point of under 250 degrees Fahrenheit or a 90 per cent recovery temperature of under 450 degrees Fahrenheit; including, but not limited to, gasoline, naphtha, benzene, casinghead gasoline and benzol.

"Provided, further, that any product, either alone or when mixed, blended or compounded with any one or more products of petroleum and not within the above definition of 'Motor Vehicle Fuel', shall be deemed to be a 'Motor Vehicle Fuel' if sold or used to propel motor vehicles upon the highways."

"Fuel Oil' shall mean any petroleum or benzene product which alone and not being combined with other petroleum products or other substances is incapable of successfully operating by combustion an internal combustion engine in a motor vehicle on the public highway, but is capable of being combined, mixed or blended to produce motor vehicle fuel including ordinary kerosene and distillate."

Section 2. That Section five thousand ninety-three a three (5093-a3), Code, 1931 is hereby repealed and the following is enacted in lieu thereof:

"Every distributor and other person selling motor vehicle fuel in this state, at retail, shall keep posted in a conspicuous place most accessible to the public, at their place or places of business, a placard showing in words and figures, of the same height and size but not less than one inch in height or size, the price per gallon of each grade of motor vehicle fuel offered for sale, the amount of state license fee per gallon thereon, the Federal Excise Tax per gallon thereon, and the total thereof. All price placards shall be subject to the approval of the Treasurer. Any person failing to post or keep posted the placard required by this section or posting price placards not approved by the Treasurer as provided in this section, shall be guilty of a misdemeanor and shall be punished by a fine of one hundred dollars or imprisonment in the county jail for a period of thirty days. Each day the required placard remains unposted or an unauthorized placard remains posted shall be considered a separate offense."

Section 3. That section five thousand ninety-three a five (5093-a5), Code, 1931, is amended by striking the first paragraph and substituting in lieu thereof the following:

"Records Required to Be Kept by Distributor. Each Distributor must keep a true and accurate record on such form as the Treasurer of State may approve or prescribe of each consignment of motor vehicle fuel received by him showing the person from whom received, the method of transportation employed in delivering the same to the distributor and the identification of the tank car, and of the truck if delivered by truck, the

character of the product and the disposition made thereof. Such distributor must also preserve all invoices, bills of lading and other pertinent papers in connection with the purchase and receipt of motor vehicle fuel and all sales tickets, invoices and other pertinent papers in connection with the sale of motor vehicle fuel, and to keep such records of purchases and sales as the Treasurer of State shall approve or prescribe. Said distributor must likewise keep a record of his receipts and sales of motor vehicle fuel on such form as the Treasurer of State may approve or prescribe and must make and transmit to the Treasurer of State an inventory of all petroleum products on hand upon call of the Treasurer of State, and each distributor must upon demand of the Treasurer of State, furnish a statement under oath reflecting the contents of any records to be kept under the provisions of this act. The records required by this section must be preserved by the distributor for a period of three years after the making thereof and all such records must be available at all times for the inspection of the Treasurer of State or his representatives.

"Monthly Report of Distributors. On or before the 20th day of each calendar month, each distributor of motor vehicle fuel shall file in the office of the Treasurer of State at Des Moines, Iowa, a report, duly verified under oath, on forms prescribed and furnished by said Treasurer, showing

1. The total number of gallons of motor vehicle fuel received by him from outside the State during the preceding calendar month, the person from whom received, the date of receipt, unloading point, tank car identification and invoice gallonage of each tank car or other receptacle in which motor vehicle fuel is imported into the State of Iowa. If said motor vehicle fuel was imported by truck, said report shall show the name of person from whom received, date of receipt, the unloading point, the invoiced gallonage of each truck load, the name of the manufacturer of the truck, the name of the owner, the name of the person in charge of the truck when delivery was made, and motor vehicle license number of the truck, and number of the record covering each shipment or load.

2. The total number of gallons of motor vehicle fuel produced, refined, manufactured, blended or compounded, and the date thereof, and the place where such processing occurred and the materials used therein and the source from which obtained.

3. The total number of gallons of motor vehicle fuel received by him from points within the State during the preceding calendar month, the name of the person from whom received, the date of receipt, unloading point, tank car identification and invoiced gallonage of each tank car or other receptacle in which received. And if received by truck, said report shall show the name of the person from whom received, the date of receipt, unloading point, invoiced gallonage of each truck load, the name of the manufacturer of the truck, the name of the owner, the name of the person in charge of the truck when delivery was made, and motor vehicle license number of the truck. Said report shall also show whether the price paid for such motor vehicle fuel included the license fee payable under the provisions of this act. All such information as to gallonage received from points within the State shall be only for the use and guidance of the Treasurer, if the license fee has been previously paid on such

gallage and such gallage shall not be included in the gallage on which the license fees are payable by said distributor unless the license fees thereon have not been previously paid to the State of Iowa.

4. The total number of gallons exported from the State of Iowa, the date of export, name of person to whom exported, destination, tank car identification and railroad handling shipment, if by rail, and if shipped by truck, name of owner, name of person in charge of truck, name of manufacturer of truck, record number and motor vehicle license number of truck.

5. The total number of gallons of motor vehicle fuel sold to the United States of America or its agencies on which collection of a license fee is not permitted by the constitution or laws of the United States of America, and the name of the officer or particular agency of the United States to whom sold.

6. Said report shall contain such other information as the Treasurer may demand or may be called for by the forms prepared by him.

"Every distributor shall keep a record of all 'fuel oil' received and sold by him, which record shall be kept at his principal office or offices in the State of Iowa for a period of three years and shall contain the following information: The total number of gallons of fuel oil received by him during each calendar month, the name of the person or firm from whom received, the amount received, the amount of such fuel oil sold by him during such calendar month, and the name of the person or firm to whom any of such fuel oil was sold.

"If no motor vehicle fuel be received or produced during the preceding calendar month, a report shall be made to that effect on the forms prescribed herein, and in the same manner. At the same time he shall remit to the Treasurer the amount of the license fee on motor vehicle fuel produced or received by said distributor for sale or use within the State of Iowa during the preceding calendar month on which a license fee is payable under the provisions of this act; provided that a deduction shall be allowed for motor vehicle fuel sold and exported from the State of Iowa, or sold and delivered to the Federal Government, its instrumentalities and agencies; and provided, however, that in computing said amount a deduction of three per cent of the invoiced gallage received from outside the State or produced, manufactured, compounded or blended within the State, and which remained within the State may be made for evaporation and loss."

CLYDE H. TOPPING
G. W. PATTERSON
FRED W. NELSON
H. D. MILLER

On motion of Senator Roelofs the Senate adjourned, the time having been set previously for 10:00 a. m. Saturday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 10, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. A. R. Weed, pastor of the West Star and Worthington Churches of Winterset.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Ritchie for the day, on request of Senator Beardsley; Senator Bennett for the day, on request of Senator Booth; Senator Stanley for the day, on request of Senator Wenner; Senators Anderson and Baldwin for the day, on request of Senator Geske.

COMMUNICATION

The White House, Washington.

February 7, 1934.

MY DEAR MR. ALLEN: The telegram you and Mr. Lakin sent me on my birthday pleased me immensely, and I shall be obligated if you will express to the General Assembly of the State of Iowa my grateful appreciation of their congratulations and good wishes.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

HONORABLE BYRON G. ALLEN, *Secretary of the Senate*,
Des Moines, Iowa.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 7, 1934, he had signed the following bills:

Senate File 153, relating to discontinuance of the "Stamp-Note Plan".

Senate File 41, relating to the selection and platting of a home-
stead.

INTRODUCTION OF BILLS

Senate File 312, by committee on emergency legislation, a bill for an act to further the comprehensive planning of communities

and neighborhoods for social, educational and recreational life of the residents, and to provide for the safety, health, comfort, convenience and general welfare of the citizens and to these ends to conditionally empower cities having a population of twenty-five thousand (25,000) or more to eradicate that class of habitations within their limits known as "slums" and to acquire real estate and erect residences thereon, and to manage, mortgage, lease or sell such erections; also to borrow money by the issuance of bonds in order to finance such undertaking.

Read first and second times and placed on the calendar.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Wilson, Senate File 296, a bill for an act to amend Section two thousand two hundred thirty-two (2232), Code, 1931, relating to the appointment of a sanitation and quarantine officer, was called from the sifting committee, taken up and considered.

The bill was read for information.

Senator Wilson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 28.

Beardsley	Geske	Miller of	Pendray
Beatty	Hill	Buchanan	Reese
Booth	Hopkins	Miller of Jones	Roelofs
Calhoun	Hush	Moore	Stevens of
Coykendall	Husted	Mullaney	Decatur
Doze	Kimberly	Nelson	Wenner
Elthon	Klemme	Patterson	Wilson
Fisch	Meyer		

Nays, none.

Absent or not voting, 22.

Anderson	Chrystal	Leo	Stevens of
Aschenbrenner	Fraily	McArthur	Wapello
Baldwin	Harrington	Ritchie	Topping
Bennett	Hicklin	Schmidt	Tripp
Byers	Irwin	Shangle	Valentine
Carden	Knudson	Stanley	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Wilson, Senate

File 298, a bill for an act to amend Section five thousand six hundred thirty-five (5635), Code, 1931, relating to appointment of police matrons; and Sections five thousand six hundred ninety-four (5694), and five thousand six hundred ninety-six (5696), Code, 1931, relating to civil service appointments and examinations, was called from the sifting committee, taken up and considered.

Senator Wilson offered the following amendment and moved its adoption:

Amend by adding as section 4 the following:

"Sec. 4. The provisions of this act shall also apply to cities acting under special charter."

The amendment was adopted.

The bill was read for information.

Senator Wilson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 26.

Beardsley	Fisch	Klemme	Nelson
Beatty	Geske	Knudson	Patterson
Booth	Hill	Meyer	Pendray
Calhoun	Hopkins	Miller of	Roelofs
Chrystal	Hush	Buchanan	Stevens of
Doze	Husted	Moore	Decatur
Elthon	Kimberly	Mullaney	Wilson

Nays, none.

Absent or not voting, 24.

Anderson	Frailey	Miller of Jones	Stevens of
Aschenbrenner	Harrington	Reese	Wapello
Baldwin	Hicklin	Ritchie	Topping
Bennett	Irwin	Schmidt	Tripp
Byers	Leo	Shangle	Valentine
Carden	McArthur	Stanley	Wenner
Coykendall			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 331, a bill for an act providing for the waiver by "certificate holders" of the earnings or income of banks or trust companies.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 113, a bill for an act relating to the probate powers of the Clerk of the District Court.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 285, a bill for an act to legalize the expenditure of the Board of Supervisors of Muscatine County, Iowa, from the County Insane Fund, for the maintenance of the County Home.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 242, a bill for an act relating to the propagation and protection of fish, game, wild birds and animals.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENTS TO SENATE FILE 242

Amend by striking section one (1) and renumbering the remaining sections of the bill.

Amend the title by striking all after the word "hundred" in line two (2) and inserting in lieu thereof the following: "forty-five (1745), relating to the removal of undesirable fish from the public waters of the state."

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, House File 268.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House File 268.

Senator Wilson was called to the chair at 10:36 a. m.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Pendray, Senate File 231, a bill for an act to provide public school facilities for persons of school age who reside on that portion of an Iowa school district that is located on the opposite side of a river that is a

general boundary line of the state and such portion is not within the corporate limits of a city or town and the persons of school age residing on such portion are without reasonable access to a public school in the school district to which such portion belongs, was called from the sifting committee, taken up and considered.

Senator Pendray offered the following amendment and moved its adoption:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. School attendance in adjoining state. Persons of school age residing upon Iowa territory not within the corporate limits of a city or town shall, when such territory is located on the opposite side of a river that is a general boundary line of the state, be permitted to attend the nearest public school in the state immediately adjoining that will receive them; provided that, on account of such river, such persons do not have reasonable access to a public school in the Iowa school district to which they belong.

"Sec. 2. Tuition in adjoining state. When such persons attend a public school in an adjoining state, as provided in section one (1) of this act, it shall be the duty of the board of the Iowa school district to which such persons belong to pay their tuition, except as provided in section four (4) of this act.

"Sec. 3. Transportation. When elementary grade children residing on such territory are required to travel two and three quarter ($2\frac{3}{4}$) miles or more to a public school that will receive them, the board shall also allow the parents of such children five cents (5c) for each mile traveled by such parents each day in transporting their children to school, except as provided in section four (4) of this act.

"Sec. 4. Tuition and transportation paid by state—when. When the school taxes upon such territory together with the semi-annual apportionments per person of school age residing upon such territory are not sufficient to pay the tuition and transportation as provided in this act it shall be the duty of the state, upon the approval of the superintendent of public instruction, to pay such tuition and transportation.

"Sec. 5. Manner of payment by the state. When payment is to be made by the state, the superintendent of public instruction shall file a requisition therefor with the state comptroller who shall draw a warrant or warrants upon the treasurer of state payable to the proper party from any funds of the state not otherwise appropriated in such amount as is necessary to pay such tuition and transportation.

"Sec. 6. Equivalent of school taxes and semi-annual apportionments withheld. When the superintendent of public instruction approves the payment of tuition and transportation by the state, he shall immediately notify the county auditor of the proper county or counties whose duty it shall be to withhold from the school district to which such territory belongs an amount equivalent to the school taxes upon such territory within his county and the semi-annual apportionments per person of school age

residing upon such territory within his county, and to remit such amount to the state comptroller to be held exclusively as a part of the fund necessary to carry out the purposes of this act.

"Sec. 7. Publication clause. This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the Jackson Sentinel, a newspaper published at Maquoketa, Iowa, and in The Guthrian, a newspaper published at Guthrie Center, Iowa."

Senator Pendray offered the following amendment to the amendment and moved its adoption:

1. Strike out section three (3) and insert in lieu thereof the following:

"Sec. 3. Transportation. When such persons attend a public school in an adjoining state, as provided in section one (1) of this act, it shall be the duty of the board of the Iowa school district to which such persons belong to provide transportation to and from school under the same conditions that apply to such persons were they to attend the school in their home district."

2. Amend section four (4) as follows:

1. Strike from lines one (1) of said section four (4) the words "and transportation".

2. Strike from line six (6) of said section four (4) the words "and transportation".

3. Amend section five (5) by striking from line six (6) of said section five (5) the words "and transportation".

4. Strike out section six (6) and renumber the following section in numerical order.

The amendment to the amendment was adopted.

The amendment as amended was adopted.

The bill was read for information.

Senator Pendray moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 27.

Beardsley	Geske	Knudson	Patterson
Beatty	Hill	Meyer	Pendray
Booth	Hopkins	Miller of	Roelofs
Calhoun	Hush	Buchanan	Stevens of
Chrystal	Husted	Moore	Decatur
Doze	Kimberly	Mullaney	Wenner
Elthon	Klemme	Nelson	Wilson
Fisch			

Nays, none.

Absent or not voting, 23.

Anderson	Coykendall	McArthur	Stanley
Aschenbrenner	Frailey	Miller of Jones	Stevens of
Baldwin	Harrington	Reese	Wapello
Bennett	Hicklin	Ritchie	Topping
Byers	Irwin	Schmidt	Tripp
Carden	Leo	Shangle	Valentine

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Pendray moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

Senator Calhoun moved that the Senate adjourn until 10:00 a. m. Monday.

The motion was lost.

By unanimous consent, on motion of Senator Moore, House File 316, a bill for an act to amend section one (1), chapter one hundred forty (140), Acts of the Forty-fifth General Assembly, which section amended section seventy-four hundred eighty-nine (7489), Code of 1931, and to permit the board of supervisors having control of a drainage district to refund, under certain circumstances, all of the surplus funds on hand to the persons having paid the assessments creating said surplus, was called from the sifting committee, taken up and considered.

The bill was read for information.

By unanimous consent, on request of Senator Moore, action was deferred.

The journal of February 9th was corrected and approved.

Senator Calhoun asked unanimous consent to consider Senate File 128.

Objection was raised.

HOUSE MESSAGES CONSIDERED

House File 331, a bill for an emergency act providing for the waiver by "certificate holders" of the earnings or income of banks or trust companies and waiving the contribution of any part of the future earnings or income of the bank or trust com-

pany into the trust fund created for the benefit of "certificate holders" or the application of any part of the earnings or income to the payment of outstanding certificate of trust; and binding non-consenting "certificate holders" upon written waiver of required number and amount; providing for public bodies as "certificate holders" entering into such written consents or waivers; and providing rules of construction in event of conflict or unconstitutionality of a part of the act.

Read first and second times and referred to sifting committee.

MOTION TO RECONSIDER FILED

I move to reconsider the vote by which Senate File 298 passed the Senate, and also to reconsider the vote by which the bill went to its third reading.

CHAS. D. BOOTH
LAKE HILL

SENATE CONCURRENT RESOLUTION 11

A concurrent resolution to facilitate a correct understanding of measures before the legislature, both by the members thereof and the general public.

Resolved, That the Senate and House of Representatives of the State of Iowa, in Special Session assembled enact legislation in accord with the following:

Whereas, Legislation is the most important business anyone can be interested in, as it affects everyone in everyday life, and

Whereas, It is often difficult to understand the exact meaning of the speakers explaining measures, on account of not being able to hear the members properly, and

Whereas, We live in an age which provides modern facilities to remedy these conditions and also keep the general public informed as to the exact nature of the proceedings of their servants, the legislature, therefore,

Be It Resolved, That a properly arranged loud speaker system be installed in both houses of the legislature, providing a microphone at each desk which will be connected to this system when the member is given the floor, in order to create enough voice volume so everyone present may understand properly, and further,

That connections to this system be arranged for with radio broadcasting stations, either state owned or otherwise, so that the procedure of

both houses becomes available to the general public at all times, while in session.

CARL ASCHENBRENNER.
J. E. DOZE.
PAUL H. ANDERSON.
HOMER HUSH.
I. G. CHRYSTAL.
LEO ELTHON.

D. MYRON TRIPP.
FRED W. NELSON.
CLAUDE STANLEY.
FRANK I. COYKENDALL.
PAUL W. SCHMIDT.
J. R. FRAILEY.
FRANK M. STEVENS.
VINCENT F. HARRINGTON.

L. T. SHANGLE.
W. F. MILLER.
H. C. BALDWIN.
M. X. GESKE.
I. H. KNUDSON.
L. H. MEYER.

D. W. KIMBERLY.
GEO. M. HOPKINS.
MIKE G. FISCH.
T. W. MULLANEY.
WM. MCARTHUR.
JOHN K. VALENTINE.
G. E. ROELOFS.

Passed on file.

On motion of Senator Beardsley, the Senate adjourned until 10:00 a. m. Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 12, 1934.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. H. E. Harvey, pastor of the M. E. Church of Rowan.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Ritchie for the day, on request of Senator Elthon; Senator Shangle for the day, on request of Senator Baldwin.

PETITIONS AND MEMORIALS

The following petition was presented and referred to the designated committee:

Opposing Senate File 253 relative to maintenance of sinking fund for repairing school property. Senator Wenner from Waterloo Insurors Association. Sifting committee.

AMENDMENTS TO SENATE FILE 103 WITHDRAWN

By unanimous consent on request of Senator Harrington his amendment to Senate File 103, upon which action was deferred as shown on page 1006 of the Senate journal, was withdrawn from further consideration.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 178, a bill for an act relating to the practice of cosmetology.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 244, a bill for an act relating to the revocation and suspension of operators and chauffeurs licenses.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 228, a bill for an act to make permanent the transfer in Winneshiek County, Iowa, of certain funds to the poor fund of said county.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 283, a bill for an act to authorize certain cities acting under the commission form of government to take title to private owned armories.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 248, a bill for an act to legalize certain tax levies made by the Board of Supervisors of Muscatine County, Iowa.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENT TO SENATE FILE 248

Amend Section Two (2), by striking from lines five (5), six (6), and seven (7), the words "Mid-West Free Press, a newspaper published in the City and County of Muscatine, Iowa." and inserting in lieu thereof "West Liberty Index, a newspaper published in the city of West Liberty, Iowa."

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, Senate Files 232, 113, 285 and 168; House Files 290 and 330.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the the Senate, he had signed in the presence of the Senate, Senate Files 232, 113, 285 and 168; House Files 290 and 330.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 12th day of February, 1934, sent to the Governor for his approval, Senate Files 232, 113, 285 and 168.

HOMER HUSH, *Chairman.*

Passed on file.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Frailey, House File 327, a bill for an act to legalize the corporate acts and proceedings of Keokuk Base Ball Grounds Association of Keokuk, Iowa, and to provide for the renewal and extension of the period of corporate existence of said Keokuk Base Ball Grounds Association, was called from the sifting committee, taken up and considered.

The bill was read for information.

Senator Frailey moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Baldwin	Frailey	McArthur	Schmidt
Beatty	Geske	Meyer	Stanley
Bennett	Harrington	Miller of	Stevens of
Booth	Hopkins	Buchanan	Decatur
Byers	Hush	Miller of Jones	Stevens of
Calhoun	Irwin	Moore	Wapello
Coykendall	Kimberly	Mullaney	Tripp
Doze	Klemme	Patterson	Valentine
Elthon	Knudson	Pendray	Wenner
Fisch	Leo	Roelofs	Wilson

Nays, none.

Absent or not voting, 13.

Anderson	Chrystal	Husted	Ritchie
Aschenbrenner	Hicklin	Nelson	Shangle
Beardsley	Hill	Reese	Topping
Carden			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Hopkins, Senate File 95, a bill for an act to amend section thirty-three (33), chapter eighty-nine (89), Acts of the 45th General Assembly relating to salaries of deputy county officials, was called from the sifting committee, taken up and considered.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Baldwin	Fisch	Meyer	Schmidt
Beatty	Frailey	Miller of	Stanley
Bennett	Geske	Buchanan	Stevens of
Booth	Hopkins	Miller of Jones	Decatur
Byers	Hush	Moore	Stevens of
Calhoun	Irwin	Mullaney	Wapello
Carden	Kimberly	Nelson	Tripp
Coykendall	Klemme	Pendray	Valentine
Doze	Knudson	Reese	Wenner
Elthon	Leo	Roelofs	Wilson

Nays, none.

Absent or not voting, 13.

Anderson	Harrington	Husted	Ritchie
Aschenbrenner	Hicklin	McArthur	Shangle
Beardsley	Hill	Patterson	Topping
Chrystal			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hopkins moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Hopkins, the bill was messaged to the House immediately.

HOUSE FILE 1 CONSIDERED

Senator Valentine moved that all absent Senators be excused from the call in effect on tax revision bills.

The motion prevailed.

Senator Valentine moved that the Senate insist on its amendments to House File 1.

On the question "Shall the Senate insist?" the vote was:

Ayes, 36.

Baldwin	Frailey	Meyer	Schmidt
Bennett	Geske	Miller of	Stanley
Booth	Hopkins	Buchanan	Stevens of
Byers	Hush	Miller of Jones	Decatur
Calhoun	Irwin	Moore	Stevens of
Carden	Kimberly	Mullaney	Wapello
Coykendall	Klemme	Nelson	Valentine
Doze	Knudson	Pendray	Wenner
Elthon	Leo	Reese	Wilson
Fisch	McArthur	Roelofs	

Nays, none.

Absent or not voting, 14.

Anderson	Chrystal	Husted	Shangle
Aschenbrenner	Harrington	Patterson	Topping
Beardsley	Hicklin	Ritchie	Tripp
Beatty	Hill		

The motion prevailed and the Senate insisted on its amendments to House File 1.

CONFERENCE COMMITTEE ON HOUSE FILE 1

The President pro tempore announced the President's appointment of the following Senate members of the conference committee on House File 1, Senators Valentine, McArthur, Stanley and Hush.

THIRD READING OF BILLS

By unanimous consent, on request of Senator Schmidt, House File 94, a bill for an act to amend section fifty-one (51) of Chapter one hundred eighty-eight (188) of the laws of the Forty-fifth General Assembly, relating to the compensation of employees in the motor vehicle fuel tax division of the office of the Treasurer of State, was called from the sifting committee, taken up and considered.

The bill was read for information.

Senator Schmidt moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 29.

Baldwin	Frailey	McArthur	Schmidt
Beatty	Harrington	Meyer	Stevens of
Bennett	Hopkins	Moore	Decatur
Booth	Hush	Mullaney	Stevens of
Carden	Irwin	Nelson	Wapello
Chrystal	Kimberly	Pendray	Wenner
Doze	Klemme	Reese	Wilson
Fisch	Leo	Roelofs	

Nays, 4.

Calhoun	Coykendall	Hill	Stanley
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Absent or not voting, 17.

Anderson	Geske	Miller of	Shangle
Aschenbrenner	Hicklin	Buchanan	Topping
Beardsley	Husted	Miller of Jones	Tripp
Byers	Knudson	Patterson	Valentine
Elthon		Ritchie	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Schmidt moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Harrington, Senate File 312, a bill for an act to further the comprehensive planning of communities and neighborhoods for social, educational and recreational life of the residents, and to provide for the safety, health, comfort, convenience and general welfare of the citizens and to these ends to conditionally empower cities having a population of twenty-five thousand (25,000) or more to eradicate that class of habitations within their limits known as "slums" and to acquire real estate and erect residences thereon, and to manage, mortgage, lease or sell such erections; also to borrow money by the issuance of bonds in order to finance such undertaking, an emergency legislation committee bill, was taken up and considered.

The bill was read for information.

Senator Harrington moved that action on the bill be deferred, said bill to retain its place on the calendar. The motion prevailed.

By unanimous consent, on request of Senator Stevens of Wapello, House File 331, a bill for an emergency act providing for the waiver by "certificate holders" of the earnings or income of banks or trust companies and waiving the contribution of any part of the future earnings or income of the bank or trust company into the trust fund created for the benefit of "certificate holders" or the application of any part of the earnings or income to the payment of outstanding certificate of trust; and binding non-consenting "certificate holders" upon written waiver of required number and amount; providing for public bodies as "certificate holders" entering into such written consents or waivers; and providing rules of construction in event of conflict or unconstitutionality of a part of the act, was called from the sifting committee, taken up and considered.

The bill was read for information.

Senator Stevens of Wapello moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 28.

Baldwin	Geske	Miller of Jones	Stevens of
Bennett	Harrington	Moore	Decatur
Byers	Hopkins	Mullaney	Stevens of
Carden	Hush	Pendray	Wapello
Chrystal	Irwin	Reese	Tripp
Doze	Knudson	Roelofs	Valentine
Fisch	Leo	Stanley	Wenner
Frailey	Meyer		

Nays, 4.

Calhoun	Coykendall	Klemme	Wilson
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Absent or not voting, 18.

Anderson	Elthon	McArthur	Ritchie
Aschenbrenner	Hicklin	Miller of	Schmidt
Beardsley	Hill	Buchanan	Shangle
Beatty	Husted	Nelson	Topping
Booth	Kimberly	Patterson	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Stevens of Wapello moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Leo, Senate File 294, a bill for an act to make an appropriation for the payment of the necessary expenses of the Iowa Commission to Study Liquor Control Legislation appointed by the Governor to study and recommend a plan of liquor control for the State of Iowa, an appropriation committee bill, was taken up and considered.

The bill was read for information.

Senator Leo moved that the reading just had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Baldwin	Frailey	McArthur	Stanley
Beardsley	Geske	Meyer	Stevens of
Booth	Harrington	Miller of	Decatur
Byers	Hopkins	Buchanan	Stevens of
Carden	Hush	Miller of Jones	Wapello
Chrystal	Irwin	Moore	Tripp
Coykendall	Kimberly	Mullaney	Valentine
Doze	Klemme	Patterson	Wenner
Elthon	Knudson	Pendray	Wilson
Fisch	Leo	Reese	

Nays, 3.

Calhoun	Husted	Nelson
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Absent or not voting, 11.

Anderson	Bennett	Ritchie	Shangle
Aschenbrenner	Hicklin	Roelofs	Topping
Beatty	Hill	Schmidt	

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF HOUSE FILE 316 RESUMED

Senator Moore called up for consideration House File 316, upon which action was deferred, as shown on page 1024, of the Senate journal.

The bill was read for information.

Senator Moore moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 43.

Baldwin	Frailey	McArthur	Roelofs
Beatty	Geske	Meyer	Schmidt
Bennett	Hicklin	Miller of	Stanley
Booth	Hill	Buchanan	Stevens of
Byers	Hopkins	Miller of Jones	Decatur
Calhoun	Hush	Moore	Stevens of
Carden	Husted	Mullaney	Wapello
Chrystal	Irwin	Nelson	Tripp
Coykendall	Kimberly	Patterson	Valentine
Doze	Klemme	Pendray	Wenner
Elthon	Knudson	Reese	Wilson
Fisch	Leo		

Nays, none.

Absent or not voting, 7.

Anderson	Beardsley	Ritchie	Topping
Aschenbrenner	Harrington	Shangle	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Moore moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

HOUSE AMENDMENTS CONSIDERED

Senator Carden called up for consideration Senate File 80, amended by the House, and moved that the Senate concur in the following amendments:

Amend the title by correcting the spelling of the word "publicly" in line five.

Amend section one (1), line five (5), by inserting after the word "county" where same appears the second time in said line, the following: "including cities under special charter."

On the question "Shall the Senate concur?" the vote was:

Ayes, 38.

Baldwin	Harrington	Leo	Schmidt
Bennett	Hicklin	McArthur	Stanley
Booth	Hill	Meyer	Stevens of
Byers	Hopkins	Miller of	Decatur
Calhoun	Hush	Buchanan	Stevens of
Carden	Husted	Miller of Jones	Wapello
Doze	Irwin	Moore	Topping
Elthon	Kimberly	Mullaney	Valentine
Fisch	Klemme	Patterson	Wenner
Frailey	Knudson	Pendray	Wilson
Geske			

Nays, none.

Absent or not voting, 12.

Anderson	Beatty	Nelson	Roelofs
Aschenbrenner	Chrystal	Reese	Shangle
Beardsley	Coykendall	Ritchie	Tripp

The House amendments having received a constitutional majority were declared to have been adopted and concurred in by the Senate.

Senator Hicklin called up for consideration Senate File 248, amended by the House, and moved that the Senate suspend the rules and concur in the following amendment:

Amend Section Two (2), by striking from lines five (5), six (6), and seven (7), the words "Mid-West Free Press, a newspaper published in the City and County of Muscatine, Iowa." and inserting in lieu thereof "West Liberty Index, a newspaper published in the city of West Liberty, Iowa."

On the question "Shall the Senate concur?" the vote was:

Ayes, 39.

Baldwin	Calhoun	Geske	Harrington
Beatty	Chrystal	Elthon	Hicklin
Bennett	Coykendall	Fisch	Hill
Booth	Doze	Frailey	Hopkins

Hush	McArthur	Mullaney	Topping
Husted	Meyer	Pendray	Tripp
Irwin	Miller of	Reese	Valentine
Kimberly	Buchanan	Schmidt	Wenner
Klemme	Miller of Jones	Stanley	Wilson
Knudson	Moore	Stevens of	
Leo		Decatur	

Nays, none.

Absent or not voting, 11.

Anderson	Byers	Patterson	Shangle
Aschenbrenner	Carden	Ritchie	Stevens of
Beardsley	Nelson	Roelofs	Wapello

The House amendment having received a constitutional majority was declared to have been adopted and concurred in by the Senate.

Senator Fisch called up for consideration Senate File 242, amended by the House, and moved that the Senate concur in the following amendments:

Amend by striking section one (1) and renumbering the remaining sections of the bill.

Amend the title by striking all after the word "hundred" in line two (2) and inserting in lieu thereof the following: "forty-five (1745), relating to the removal of undesirable fish from the public waters of the state."

On the question "Shall the Senate concur?" the vote was:

Ayes, 40.

Baldwin	Geske	Leo	Reese
Beatty	Harrington	McArthur	Schmidt
Booth	Hicklin	Meyer	Stanley
Byers	Hill	Miller of	Stevens of
Calhoun	Hopkins	Buchanan	Wapello
Carden	Hush	Miller of Jones	Topping
Coykendall	Husted	Moore	Tripp
Doze	Irwin	Mullaney	Valentine
Elthon	Kimberly	Patterson	Wenner
Fisch	Klemme	Pendray	Wilson
Frailey	Knudson		

Nays, none.

Absent or not voting, 10.

Anderson	Bennett	Ritchie	Stevens of
Aschenbrenner	Chrystal	Roelofs	Decatur
Beardsley	Nelson	Shangle	

The House amendments having received a constitutional majority were declared to have been adopted and concurred in by the Senate.

By unanimous consent, on request of Senator Wilson the order of business was returned to House messages.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 328, a bill for an act to make an appropriation to the Iowa State Board of Education for the purpose of providing a water system at the Iowa School for the Blind, Vinton, Iowa.

Also: That the House has appointed the following conference committee for the consideration of House File 1: Rice of Keokuk; Speidel of Washington; Fuester of Ida; Johnson of Linn.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE MESSAGES CONSIDERED

House File 328, a bill for an act to make an emergency appropriation to the Iowa State Board of Education for the purpose of providing a water system, including a water softener, and for fire-proofing the roof and remodeling the attic of the main building at the Iowa School for the Blind, Vinton, Iowa.

Read first and second times and referred to appropriations committee.

House File 178, a bill for an act to amend sections twenty-five hundred eighty-five-b one (2585-b1), twenty-five hundred eighty-five-c eleven (2585-c11), twenty-five hundred eighty-five-c twelve (2585-c12), twenty-five hundred twelve (2512), twenty-five hundred thirteen (2513), twenty-five hundred twenty-two (2522), twenty-two hundred seventeen (2217), and to amend Chapter one hundred twenty-four-B one (124-B1) by adding thereto section twenty-five hundred eighty-five-f one (2585-f1), Code of 1931, relating to the practice of cosmetology, (including manicuring), and providing penalties for the violation of the laws of Iowa and the rules of the department of health relating to cosmetology.

Read first and second times and referred to sifting committee.

House File 244 a bill for an act to amend section forty-nine hundred sixty-d thirty-three (4960-d33), Code, 1931, and to repeal sections forty-nine hundred sixty-d forty (4960-d40), and fifty hundred twenty-seven-d one (5027-d1), Code, 1931, relating to the revocation and suspension of operators and chauffeurs li-

censes for driving and operating motor vehicles upon conviction of illegal transportation or sale of intoxicating liquors, and also providing for periods of time in which new licenses shall not be issued for first, second, and third convictions of driving motor vehicles while under the influence of intoxicating liquor or narcotic drugs or illegal transportation or sale of intoxicating liquor in the state of Iowa.

Read first and second times and referred to sifting committee.

APPOINTMENT OF SIFTING COMMITTEE

The President appointed the following members of the sifting committee, Senators Geske, Byers, Chrystal, Doze, Elthon, Hush, Knudson, Stevens of Decatur and Stevens of Wapello.

The journal of February 10th was corrected and approved.

CALL OF THE SENATE

MR. PRESIDENT: We, the undersigned Senators, request a call of the Senate for the consideration of H. F. 292 and Senate Substitute for S. F. 150 beginning at 10:00 a. m. on Wednesday, February 14, 1934:

J. R. FRAILEY.

G. E. ROELOFS.

I. G. CHRYSTAL.

W. F. MILLER.

H. C. BALDWIN.

D. W. KIMBERLY.

GEO. A. WILSON.

M. MOORE.

H. L. IRWIN.

VINCENT F. HARRINGTON.

JOHN K. VALENTINE.

FRANK C. BYERS.

D. MYRON TRIPP.

CHRIS REESE.

M. X. GESKE.

L. H. MEYER.

AMENDMENT FILED

Amend House File 292 by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Title. This act shall be known and designated as the Iowa Liquor Control Act.

"Sec. 2. Declaration of Policy. It is hereby declared to be the public policy of this state that traffic in and the manufacture and sale of liquors and wines, as defined in this act, are so effected with the public interest that the same should be strictly regulated by the State of Iowa, and that no liquors or wines should be manufactured or sold within the State of Iowa except under licenses issued by the State and under strict regulations by the State, for the purpose of protecting the health and morals of the people.

"Sec. 3. Repeal. That chapters ninety-four (94), ninety-five (95), ninety-six (96), ninety-seven (97), ninety-eight (98), ninety-nine (99),

one hundred (100), one hundred one (101), one hundred two (102), one hundred three (103), and one hundred four (104) of Title VI of the Code of Iowa, 1931, be repealed.

"Sec. 4. Definitions. "Liquors" shall mean and include any and all distilled or rectified spirits, alcohol, brandy, whisky, rum, gin or similar distilled alcoholic beverages, including all blending, dilutions, or mixtures of one or more of the foregoing, but shall not be construed to include beer, ale, porter, stout or any other malt liquor containing not more than three and two-tenths per centum (3.2%) of alcohol by weight.

"Wines" shall mean and include any alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar and shall include fruit juices containing one-half of one per centum or more of alcohol by volume.

"Distillery" shall mean and include any place or places wherein any liquors or wines are manufactured for sale.

"Distiller" shall mean and include any person who owns, occupies, carries on, conducts or operates any distillery either by himself or by his agent.

"Wholesaler" shall mean any person who shall sell, barter, exchange, offer for sale, have in possession with intent to sell, deal or traffic in liquors and wines at wholesale.

"Dealer" shall mean any person who shall sell, barter, exchange, offer for sale or have in possession with intent to sell liquors or wines at retail.

"Retailer" shall mean any person who shall sell, barter, exchange, offer for sale or have in possession with the intent to sell liquors or wines containing not more than fourteen per centum (14%) of alcohol by volume at retail.

"Person" shall mean and include any corporation, firm, co-partnership or association.

"Board" shall mean the Iowa Liquor Control Board.

"Sec. 5. Board. There is hereby created a board of nine members to be designated as the Iowa Liquor Control Board.

"Sec. 6. Appointment. The members of said board shall be appointed, one from each Congressional District of Iowa, by the Governor with the consent of two-thirds of the Senate in executive session.

"Sec. 7. Qualifications. The persons appointed as members of said board shall have no financial interest in any establishment which engages in the manufacture or sale of liquors or wines. Not more than five members of the board shall belong to the same political party.

"Sec. 8. Removal from Office. Members of the board shall be removable for any of the causes and in the manner provided in Chapter Fifty-six (56), Code of Iowa, 1931, as amended, relating to removal from office.

"Sec. 9. Prohibitions. No person appointed as a member of said board while holding such office shall hold any other office under the laws of the United States or of this State or of any other state, nor shall any member of said board serve on or under any committee of any political party, or contribute to the campaign fund of any person or political party.

"Sec. 10. Tenure of Office. Each full-time member shall serve for four years from the first day of July of the year of appointment.

"Sec. 11. Full Time Appointments. Within sixty (60) days after the convening of the General Assembly in regular session in 1935, and each two years thereafter, the Governor shall appoint with the approval of two-thirds of the Senate in executive session, a successor or successors to the member or members of said board whose terms expire on July first following.

"Sec. 12. Vacancies. Vacancies occurring while the General Assembly is in session shall be filled for the unexpired portion of the term as full-term appointments are filled. Vacancies occurring while the General Assembly is not in session shall be filled by the Governor, but such appointments shall terminate at the end of thirty (30) days after the convening of the next General Assembly. Vacancies shall be filled from the same political party from which the vacancy occurs.

"Sec. 13. Compensation. Each member of the board shall receive as compensation three thousand six hundred dollars (\$3,600.00) per year, together with his actual traveling expenses, payable in the same manner as the compensation of other state officers.

"Sec. 14. Organization. The board shall elect one of its members to serve as chairman for a period of one year, who shall sign on behalf of the board all orders and documents issued by the board. The board may elect a vice-chairman who shall act in the absence or inability of the chairman to act.

"Sec. 15. Office—Quorum—Sessions. Said board shall have its principal office at the seat of government of this state. A majority of said board shall constitute a quorum for the transaction of business.

"Sec. 16. Secretary. The board may appoint a secretary at a salary to be fixed by the board, not exceeding three thousand dollars (\$3,000.00) per annum. The board may employ such other assistants and employees as may be authorized by the executive council, and fix their compensation, which shall be paid as the compensation of other state employees.

"Sec. 17. Counsel. It shall be the duty of the Attorney General and of county attorneys in their respective counties to commence and prosecute actions, prosecutions and complaints, when so directed by the board, and to represent the board in any litigation in which it may become involved in the discharge of its duties.

"Sec. 18. Seal. The board shall have an official seal, and orders or other papers executed by it may, under its direction, be attested, with its seal affixed, by the administrator.

"Sec. 19. Subject to the powers and duties vested in the Board as hereinafter provided, each member of said Board shall attend to the enforcement and to the carrying out of the provisions of this act within the congressional district from which each such member is appointed, and each member is hereby vested with the power of peace officers to assist in the enforcement of the provisions of this act, and shall have the power to suspend licenses for cause in his respective district.

"Sec. 20. Powers and Duties. The board shall be vested with the powers hereinafter enumerated, and with such additional powers as may be necessary to effectuate the same, including the power to establish and promulgate such rules and regulations consistent with the provisions of

this act as in its discretion may be deemed necessary under changing conditions, to the end that the provisions of this act may be enforced and that the cause of temperance and sobriety may be advanced.

The board shall have and assume the following powers and duties:

1. To have and exercise general supervision and administration of the provisions of this act.

2. To prescribe and furnish all forms and blanks, including forms of applications, licenses and permits, and to prescribe and promulgate books of rules and regulations, and memoranda of instructions, which it deems necessary and expedient for the carrying out of the provisions of this act.

3. To institute and direct proceedings, actions and prosecutions for the enforcement of the provisions of this act relating to the penalties, liabilities and punishment of officers or agents of corporations and other persons for refusal or neglect to comply with or for violations of the provisions of this act.

4. To issue or refuse licenses under the provisions of this act, and in the exercise of this authority to receive applications for such licenses, and to examine into the character and fitness of all applicants to engage in the sale of liquors or wines after having complied with all of the provisions of this act relative thereto.

5. To revoke, cancel, or suspend licenses when the holder thereof has refused or neglected to comply with all of the provisions or has violated any of the provisions of this act, or any regulation promulgated by the board, or has been found guilty of the violation of any of the liquor laws of this state, the United States, or of any other state, within a period of three (3) years prior to the taking effect of this act.

6. To transmit biennially to the Governor and to each member and member-elect of the legislature thirty (30) days before the meeting of the legislature the report of the board.

8. To prescribe uniform cost accounting systems for wholesale and retail licenses; and to carry on a study of the cost of wholesale and retail operations.

9. To establish from time to time the wholesale and retail prices of the various kinds and grades of liquors and wines, and the same shall be uniform throughout the state; and the price of each kind or grade of liquors or wines, at wholesale or retail, shall be so regulated that the rate of net return therefrom shall be in inverse ratio to the amount of the gross sales thereof.

"Sec. 21. Limitations. No liquors or wines shall be manufactured, sold or kept for sale or possessed within the state by anyone except those holding licenses or permits therefor under the provisions of this act.

"Sec. 22. Licenses prohibited. The following classes of persons shall be prohibited from receiving licenses under the provisions of this act;

1. A person who has been convicted of a felony.

2. A person under the age of twenty-one years.

3. A person who is not a citizen of the United States.

4. A person who shall have had a license issued under the provisions of this act revoked by the board, or who has been convicted of a violation of this act.

5. A corporation, if an officer thereof, or a co-partnership, if a member thereof, has been convicted of a violation of this act, or if such corporation or co-partnership has had a license issued under this act revoked by the board.

"Sec. 23. Revocation on Premises. Where a license issued under the provisions of this act for the sale of liquors or wines on any premises has been revoked, no license shall be thereafter issued for a period of two (2) years after such revocation for the sale of liquors or wines on such premises, or for any part of the building containing such licensed premises, provided the licensee is the owner of such premises or the owner thereof was a party to the violation or knowingly permitted the violation for which the license was revoked.

"Sec. 24. Applications. Before any license herein provided for may be issued by the board, the applicant therefor shall:

1. Submit a written application for such license, which application shall be in a form to be prescribed by the board, and shall state under oath, in addition to such information as shall be required by the board, the following:

a. The name and place of residence of the applicant and the length of time he has lived at such place of residence.

b. That he is a citizen of the State of Iowa.

c. The place of birth of the applicant and if the applicant is a naturalized citizen, the time and place of such naturalization.

d. The location of the place or building where the applicant intends to operate.

e. The name of the owner of the building, and if such owner is not the applicant, that such applicant is the actual lessee of the premises under a written lease for a period which will not terminate prior to the period for which the license is applied for.

2. Establish, in addition to such requirements as may be made by the board:

a. That he is a person of good moral character.

b. That the place or building where he intends to operate conforms to all laws, health, and fire regulations applicable thereto, and is a safe and proper place or building.

3. Furnish a bond in a form to be prescribed and furnished by the board, with good and sufficient sureties to be approved by the board, conditioned upon the faithful observance of the provisions of this act, and upon conviction of a violation of the provisions of this act, the payment of any fine imposed upon the applicant and all costs resulting from such prosecutions; which bond, for the issuance of a distiller's or wholesaler's license, shall be in the sum of five thousand dollars (\$5,000.00), and for the issuance of a dealer's or retailer's license, shall be in the sum of one thousand dollars (\$1,000.00). Said bond shall be in favor of the State of Iowa for the benefit of any person who may be injured as a result of a violation by the licensee of any of the provisions of this act of the rules and regulations promulgated by the board. Said bond shall also include the further condition that any such licensee will not, directly or indirectly, by himself, his clerk, agent or servant, sell, furnish, give, or deliver any

liquors or wines to a minor nor to any person to whom the sale of liquors or wines is prohibited by the provisions of this act or the regulations of the board, and that said licensee will pay all damages that may be adjudged in favor of any person, or persons, for injuries suffered, either in person or in property, or means of support, or otherwise, by reason of such violation.

"Sec. 25. Limitations on Licensee. It shall be unlawful for any person or persons to be either directly or indirectly interested in more than one class of license.

"Sec. 26. Tenure of License. All licenses provided for in this act shall expire on December 31st of the year in which they are issued, and may be renewed from year to year under rules and regulations of the board. License fees herein provided for shall be pro-rated so that licenses issued subsequent to April first and prior to July first of each year shall be subject to three-fourths of the annual fee. Licenses issued subsequent to July first and prior to October first of each year shall be subject to one-half of the annual license fee, and licenses issued subsequent to October first shall be subject to one-fourth of the annual license fee.

"Sec. 27. Investigation by Board. In the issuance of licenses herein provided for, the board shall make a thorough investigation concerning the character and integrity of the applicant, and shall make a thorough investigation of the condition existing in the community wherein are located the premises for which the license is sought; to the end that no license shall be granted where the issuance thereof may result in the impairment of the public health or morals of any community.

"Sec. 28. Licenses. Licenses for the manufacture and sale of liquors and wines shall be divided into four (4) classes, and shall be known and designated as "Distiller's License", "Wholesaler's License", "Dealer's License", and "Retailer's License".

"Sec. 29. Distiller's License. A distiller's license shall authorize the holder thereof to manufacture liquors and/or wines but such liquors and wines, if sold within the state, shall be sold only to subsisting holders of wholesaler's licenses.

"Sec. 30. Wholesaler's License. A wholesaler's license shall authorize the holder thereof to sell liquors and/or wines at wholesale, but such liquors and wines, if sold within the state or for delivery within the state, shall be sold only to subsisting holders of dealer's or retailer's licenses.

"Sec. 31. Dealer's License. A dealer's license shall authorize the holder thereof to sell liquors and wines for consumption off the premises only, and only to persons holding permits to purchase the same issued in accordance with the provisions of this act as hereinafter provided.

"Sec. 32. Retailer's License. A retailer's license shall authorize the holder thereof to sell liquors and wines containing not more than fourteen per centum (14%) of alcohol by volume for consumption on the premises only.

"Sec. 33. Fees. The annual license fee for a distiller's license or wholesaler's license shall be one thousand dollars (\$1,000.00); for a dealer's license, for premises located in a city or town having a population of fifteen thousand (15,000) or over, three hundred dollars (\$300.00), and for

premises in a city or town with a population of less than fifteen thousand (15,000), one hundred dollars (\$100.00); for a retailer's license for premises located in a city or town having a population of over fifteen thousand (15,000) one hundred fifty dollars (\$150.00), and for premises located in a city or town having a population of less than fifteen thousand (15,000) fifty dollars (\$50.00). The license fee for a retailer's license issued a sleeping car company, dining car company, railroad company or railway company for its dining cars shall be one hundred and fifty dollars (\$150.00), and two dollars (\$2.00) for each duplicate thereof. The board shall issue duplicates of such licenses from time to time as applied for by each such company.

"Sec. 34. Tax. In addition to the annual license fee to be paid by the holder of each wholesaler's license, there shall be levied and collected by the board from such licensees, on all liquors and wines sold in this state at wholesale, a tax of one dollar (\$1.00) for each gallon of liquors sold, and a tax of twenty-five cents (25c) for each gallon of wines sold.

"Sec. 35. Reports. Every person holding a wholesaler's license shall, on or before the tenth day of each calendar month, commencing on the tenth day of the calendar month following the month in which such person is issued a license, make a report under oath to the board upon forms to be furnished by the board for such purpose, showing the exact number of gallons of liquors and wines sold by such licensee during the preceding calendar month. Such report shall also state the name and address of the several purchasers of such liquors and wines, and the date and amount of each purchase, and such licensee shall at the time of filing said report pay to the board the amount of tax due at the rate fixed in accordance with the provisions of this act.

"Sec. 36. Books and Records—Uniform Systems of Accounting. The holder of each wholesaler's license shall keep proper books of accounts and records in such manner as the board shall prescribe, showing the amount of liquors and wines sold by him, which books of account shall be at all times open to inspection by the board or its authorized representatives. Each holder of a dealer's license and of a retailer's license shall keep proper books of accounts and records, showing each purchase of liquors and wines made by him, the date and amount of each purchase, and the name of the person from whom each purchase was made, which books of accounts and records shall be at all times open to inspection by the board or its authorized representatives. Each licensed dealer shall keep a record of all sales made, including the name and address of the purchaser. The holder of each wholesale or dealer's license shall establish and maintain such a cost accounting system as the board shall direct, in order that the board may ascertain from time to time the costs of handling liquors and wines.

"Sec. 37. Prohibition against on-premises consumption. The sale of liquors and of wines containing more than fourteen per centum (14%) of alcohol by volume, for consumption on the premises, is hereby prohibited, and it shall be unlawful for any person to consume any such liquors or wines on the premises where the same were purchased.

"Sec. 38. Additional Licenses. Every distiller or wholesaler having

more than one place of business shall be required to have a separate license for each separate place of business maintained by such distiller or wholesaler wherein liquors or wines are stored, warehoused or sold.

"Sec. 39. Additional Licenses. Every dealer and retailer licensee having more than one place of business wherein liquors or wines are sold shall be required to have a separate license for each place of business.

"Sec. 40. Prohibition outside cities and towns. No license, except a distiller's license and a retailer's license for a railroad dining car, shall be granted to any person under the provisions of this act unless the premises occupied by such licensee are wholly within the corporate limits of a city, incorporated town or special chartered city of the State of Iowa.

"Sec. 41. Subsidies. No distiller or wholesaler shall supply, furnish, give, loan money for the purchase of, or pay for any furniture, fixtures, furnishings or equipment used in or about any place wherein liquors or wines are sold under a dealer's or retailer's license. No distiller or wholesaler shall advance, furnish money for, loan money for, or pay for any license or tax which may be required to be paid by any dealer or retailer. No distiller or wholesaler shall be financially interested either directly or indirectly in the conduct or operation of the business of any dealer or retailer licensee.

"Sec. 42. Purchase for resale. It shall be unlawful for the holder of any dealer's license or retailer's license issued under the provisions of this act to purchase for resale any liquors or wines from any person other than a person holding a subsisting wholesaler's license issued in accordance with the provisions of this act.

"Sec. 43. Retailer's License,—Hotel—Restaurant—Club—Dining Cars. No retailer's license shall be granted for any premises except where such premises, in the judgment of the board, are being conducted as a bona-fide hotel, restaurant, club, or railroad dining car.

"Sec. 44. Hotels. "Hotel" as herein referred to shall mean a building which, in the judgment of the board, has been regularly used and kept open as such in a bona fide manner for the feeding and lodging of guests, where all who conduct themselves properly and who are able and ready to pay for such services are received if there be accommodations for them. Such applicant must be prepared to show that the major portion of its receipts is derived from the renting of rooms and the sale of food. The board may require that said hotel shall have been maintained as such under the same ownership for a period of one year prior to the date of issuing a license therefor.

"Sec. 45. Restaurants. "Restaurant" as herein referred to shall mean a place which, in the judgment of the board, shall have been regularly and in a bona-fide manner used and kept open for the serving of meals to guests for compensation. Said applicant must be prepared to show that the major portion of its receipts is derived from the sale of food. Such restaurant shall have suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals. The board may require that said restaurant shall have been maintained as such under the same ownership for a period of one year prior to the date of issuing a license therefor.

"Sec. 46. Clubs. "Club" as herein referred to shall mean an organization of persons, organized or operating under the laws of the State of Iowa, operated for non-profit to members, with a membership of not less than fifty (50) members, which is the owner, lessee, or occupant of premises used exclusively for club purposes and which, in the judgment of the board, is operated solely for a recreational, social, patriotic, political, benevolent, or athletic purposes, and equipped as a restaurant for the cooking and serving of meals. Such applicant must prove that the trafficking in liquors and wines is not for profit and not the object of its being. The board may require that such club shall have been maintained as such and have occupied the same premises for a period of one year prior to the date of issuing a license.

"Sec. 47. Dining Cars. Subject to the provisions of this act, any dining car company, sleeping car company, railroad company or railway company may make application to the board for a retailer's license, and the board may issue a retailer's license to any such company, which shall authorize the holder thereof to keep for sale or sell on any dining car operated by such applicant in, through or across the State of Iowa, liquors and wines containing not more than fourteen per centum (14%) of alcohol by volume, for consumption in such dining car. Each such company shall keep a duplicate of such license posted in each dining car in which such beverages are served. Only one such license shall be required for all dining cars operated in this state by such applicant. The application for such license shall be in such form and contain such information as may be required by the board.

"Sec. 48. Meals. Liquors and wines containing not more than fourteen per centum (14%) of alcohol by volume, authorized to be sold by the holder of a retailer's license for on-premise consumption, shall be sold only in connection with and as a part of regular meals. The service of such food and victuals as sandwiches, salads, etc. shall not be regarded as a compliance with this requirement.

"Sec. 49. Containers. No holder of a dealer's license shall sell or keep upon the licensed premises any liquors or wines in any cask, barrel, keg, hogshead or other container except in the original sealed package containing quantities not to exceed one quart each as received from the distiller or wholesaler. Such package shall have affixed thereto a label stating the name, address and the Iowa State license number of the distiller in conspicuous type, except where the liquors or wines shall have been manufactured outside of the State of Iowa, in which case the name and address and Iowa State license number of the wholesaler shall appear thereon, the brand of liquor or wine and the number of fluid ounces contained therein, the date when the contents were manufactured and bottled, whether it is a straight, blended or imitation product, and the alcoholic content thereof by proof.

"Sec. 50. License Exposed. Every licensee shall keep such license in a suitable frame of permanent construction with a clear glass front in some conspicuous place in the licensed premises where it can be seen at all times. The holder of every dealer's license shall have painted on the

front window of the licensed premises the name of the licensee together with the Iowa State License number.

"Sec. 51. Signs. No sign of any kind, printed or electric, advertising any brand of liquors or wines shall be permitted on the exterior or interior of any licensed premises. No other sign shall be permitted on the licensed premises except by rule or regulation of the board.

"Sec. 52. Advertising. No advertising about or concerning any liquors or wines shall be permitted within the boundaries of the state.

"Sec. 53. Price Lists. Every holder of a dealer's license shall have conspicuously displayed within the interior of the licensed premises, a printed price list of the liquors and/or wines offered for sale.

"Sec. 54. Credit. No wholesale licensee or dealer licensee shall sell any liquors or wines except for cash.

"Sec. 55. Minors—Intoxicated Persons. No licensee shall sell or deliver, or cause or permit to be sold or delivered, any liquors or wines to:

1. Any minor under the age of twenty-one years.
2. Any intoxicated person; or to any person, actually or apparently, under the influence of liquor.
3. Any habitual drunkard.

"Sec. 56. Limitations on Sale—Sunday. No liquors and/or wines shall be sold or delivered:

1. On Sunday or a legal holiday.
2. On any other day before eight (8) o'clock A. M., or after nine (9) o'clock P. M.
3. On any day of a general, special, or primary election.

"Sec. 57. Prices. It shall be unlawful for any dealer or wholesaler licensed under the provisions of this act, to sell or offer for sale any liquors and/or wines at a price higher than the prices fixed by the board for the sale of liquors and/or wines at wholesale or retail as herein provided.

"Sec. 58. Pure Food Law. No liquors and/or wines shall be sold or offered for sale within the State of Iowa unless the same shall comply with the Pure Food Laws of the United States and of the State of Iowa; and the provisions of Title X of the Code of Iowa, 1931, relating to the regulation and inspection of foods, drugs, and other articles, in so far as the same are applicable, are hereby made applicable thereto.

"Sec. 59. Federal Tax. It shall be unlawful for any licensed wholesaler or dealer to sell or offer for sale any liquors and/or wines within the State of Iowa, unless the same are in the original sealed package bearing the necessary federal revenue stamps.

"Sec. 60. Permits. Permits in such form it shall prescribe shall be issued by the board to such persons as shall apply therefor in accordance with the provisions of this act. Such permits shall entitle the holders thereof to purchase liquors and/or wines from licensed dealers in the original sealed containers. The board is hereby authorized to designate as its agents county auditors or to appoint other persons within this state to act for the board for the purpose of receiving applications for such permits. No permit shall be issued to the following classes of persons:

1. Any minor.

2. Any person known to be an habitual drunkard or addicted to the use of narcotics.

3. Any person known to be of unsound mind.

4. Any former inmate of any institution for feeble-minded, or any person on parole from any penal institution.

"Sec. 61. Entry on Permit. Upon the sale of any liquors and/or wines to any such permit holder by any holder of a dealer's license such licensee shall enter on such permit the kind and amount of liquors and/or wines sold, and shall identify the entry with his name or initials.

"Sec. 62. Signature of Permit Holder. Each such permit shall contain a space for the signature of and shall be signed by the holder thereof. Upon the purchase of any liquors and/or wines from any dealer, such permit holder shall sign a receipt therefor, showing the amount and kinds of liquors and/or wines purchased, and the price paid therefor, which receipts shall be kept in an orderly record by such dealer for a period of three years, and shall be subject at all times to inspection by the board or its representatives. Such receipts shall be on forms prescribed by the board.

"Sec. 63. Permit Fees. The fee for each such permit shall be one dollar (\$1.00), payable to the board.

"Sec. 64. Tenure of Permit. Such permits shall be valid for a period of two (2) years from the date issued.

"Sec. 65. Special Permits. Special permits may be issued by the board to the following classes of persons:

1. Ministers, priests and rabbis of any church, sect, denomination or creed for wines for use in sacrificial ceremonies or sacraments.

2. Manufacturers of patent and proprietary medicines, tinctures, extracts, toilet articles, and perfumes, and other like commodities, none of which are susceptible for use as a beverage.

3. Pharmacists, whether or not licensed as dealers, for compounding medicines.

4. Hospitals, asylums, sanitariums, and other similar institutions.

"Sec. 66. Permits to Clergy. Any minister, priest or rabbi of any church, sect, denomination or creed, which uses wines in its sacrificial ceremonies or sacraments, may obtain a permit from the board which permit shall expire five (5) years from the date issued. The application for such permit shall be in such form as the board shall prescribe.

"Sec. 67. Sacrificial Wines. Such permit shall authorize the holder thereof to purchase wines for use in sacrificial ceremonies or sacraments from wholesalers. Such wines shall not be subject to the tax herein provided. In making such purchases such minister, priest or rabbi shall execute a receipt therefor, in a form to be prescribed by the board, giving his permit number, which receipt shall be in triplicate, one copy to be retained by such minister, priest, or rabbi, one copy to be furnished by such minister, priest or rabbi to the board within ten (10) days from the date of purchase, and one copy to be retained by the wholesaler.

"Sec. 68. Manufacturers. Patent and proprietary medicines, tinctures, extracts, toilet articles, and perfumes, and other like commodities, none of which are susceptible of use as a beverage, but which require as one of

their ingredients alcohol or vinous liquors, may be manufactured within this state, provided a permit so to manufacture is first obtained as herein provided.

"Sec. 69. Manufacturers—Application. Any person desiring such permit shall apply to the board, furnishing an affidavit signed by the person, member of the firm, or secretary or other managing officer of the corporation, as the case may be, stating therein the following facts:

1. The name, place of business, and post office address of the person, firm, or corporation desiring such permit.

2. The business in which said person, firm, or corporation is engaged and the articles manufactured by them which require in their manufacture the use of alcohol or vinous liquors, and approximately the amount required during a calendar month.

3. That neither the applicant nor any member of the firm nor officer of the corporation has been convicted of any violation of the laws of this state with reference to the sale of liquors and/or wines within three (3) years last past prior to the date of said affidavit.

"Sec. 70. Hearing. If after a hearing and investigation the board is satisfied that the facts stated in said affidavit are true, and that the applicant is a person fit and proper to be intrusted with the permit applied for, the same shall be issued upon the filing by the applicant of a bond in the penal sum of two thousand dollars (\$2,000.00), with sureties to be approved by the board, conditioned upon the observance of the provisions and intentions of this act.

"Sec. 71. Manufacturer's Permit.—Duration. Such permit, unless revoked for cause, shall remain in force for a period of five (5) years from the date issued.

"Sec. 72. Manufacturer's Permit—Rights. Such permit shall authorize the holder thereof to purchase alcohol and vinous liquors from wholesalers for use in manufacturing articles enumerated in Section 68 of this act, and any holder of a wholesaler's license is hereby authorized to sell alcohol and vinous liquors to the holders of such permits. Such alcohol and vinous liquors shall not be subject to the tax herein provided. In making such purchases, such manufacturers shall execute a receipt therefor, in a form to be prescribed by the board, giving his permit number, which receipt shall be in triplicate, one copy to be retained by such manufacturer, one copy to be furnished by such manufacturer to the board within ten (10) days from the date of purchase, and one copy to be retained by the wholesaler.

"Sec. 73. Manufacturers—Books and Records. Each holder of such permit shall keep proper books of accounts and records, showing each purchase of alcohol and vinous liquors made by him, the date and amount of each purchase, and the name of the persons from whom each purchase was made, which books of accounts and records shall be at all times open to inspection by the board or its authorized representative.

"Sec. 74. Pharmacists. Licensed pharmacists, as defined in Chapter 123 of the Code of Iowa, 1931, and persons operating drug stores wherein a licensed pharmacist is regularly employed, may obtain a permit from the board as hereinafter provided.

"Sec. 75. Pharmacists—Application. Any person desiring such permit shall apply to the board, furnishing an affidavit signed by the person, member of the firm, or secretary or other managing officer of the corporation, as the case may be, stating therein the following facts:

1. The name, place of business, and post office address of the person, firm, or corporation desiring such permit.

2. Whether or not such applicant is the holder of a dealer's license as defined in this act.

3. That neither the applicant nor any member of the firm nor officer of the corporation has been convicted of any violation of the laws of this state with reference to the sale of liquors and/or wines within three (3) years last past prior to the date of said affidavit.

"Sec. 76. Pharmacists—Investigation. If after an investigation the board is satisfied that the facts stated in said affidavits are true, and that the applicant is a person fit and proper to be intrusted with the permit applied for, the same shall be issued upon the filing by the applicant of a bond in the penal sum of one thousand dollars (\$1,000.00), with sureties to be approved by the board, conditioned upon the observance of the provisions and intentions of this act.

"Sec. 77. Pharmacist's permit—Duration. Such permit, unless revoked for cause, shall remain in force for a period of five (5) years from the date issued.

"Sec. 78. Pharmacist's permit—Rights. Such permit shall authorize the holder thereof to purchase alcohol and vinous liquors from the wholesalers for use only in compounding medicinal prescriptions as prescribed by regularly licensed physicians under the laws of this state. Any holder of a wholesaler's license is hereby authorized to sell alcohol and vinous liquors to the holders of such permits.

"Sec. 79. Pharmacists—Books and Records. Each holder of such permit shall keep proper books of accounts and records, showing each purchase of alcohol and vinous liquors made by him, the date and amount of each purchase, and the name of the person from whom each purchase was made, which books of accounts and records shall be at all times open to inspection by the board or its authorized representatives. If the holder of such a permit is also the holder of a dealer's license he shall keep separate books of accounts covering purchases made under such permit and subdealer's license.

"Sec. 80. Hospitals, asylums and sanitariums. Hospitals, asylums and sanitariums may obtain a permit from the board, which permit shall expire five (5) years from the date issued. The application for such permit shall be in such form as the board shall prescribe.

Before issuing such a permit the board shall make a thorough investigation of the applicant, and if in the judgment of the board the applicant is a bona fide hospital, asylum or sanitarium which requires the use of liquors and/or wines in the treatment of patients, the board may issue such permit.

"Sec. 81. Hospitals, asylums and sanitariums—Rights. Such permit shall authorize the holder thereof to purchase liquors and/or wines from the wholesalers for use only in the treatment of patients confined therein.

Any holder of a wholesaler's license is hereby authorized to sell liquors and/or wines to the holders of such permits.

"Sec. 82. Hospitals, asylums and sanitariums—Books and Records. Each holder of such permit shall keep proper books of accounts and records, showing each purchase of liquors and/or wines, and the name of the person from whom each purchase was made, which books of accounts and records shall be at all times open to inspection by the board or its authorized representative.

"Sec. 83. Purchase by holders of special permits. It shall be unlawful for the holder of any of the special permits provided for in Sections 65 to 83 of this act to purchase or obtain any liquors and/or wines, alcohol or vinous liquors, from any person other than the holder of a subsisting wholesaler's license as defined in this act.

"Sec. 84. Diversion under special permits. It shall be unlawful for the holder of any special permit provided for in Sections 65 to 83 of this act to in any way use, dispose of, or sell any liquors or wines, alcohol or vinous liquors except as specifically provided in this act.

"Sec. 85. Revocation and cancellation of special permits. The board is hereby empowered to revoke or cancel any special permit herein provided for upon satisfactory evidence to the board that the holder thereof has refused or neglected to comply with all, or violated any, of the provisions of this act.

"Sec. 86. Shipments into State. No liquors or wines shall be shipped into this state unless the same shall be consigned to a person holding a wholesaler's license under the provisions of this act; and no common carrier or other person shall bring or carry into this state any liquors or wines, unless the same shall be consigned to a person holding a wholesaler's license under the provisions of this act.

"Sec. 87. Intrastate shipments. All transportation of liquors or wines within the State of Iowa shall be subject to such rules and regulations as the board may prescribe.

"Sec. 88. Allocation of revenue. All permit fees collected by the board under the provisions of this act shall be credited to the General Fund of the State and become a part thereof. All license fees and taxes collected under the provisions of this act shall be distributed as follows:

1. One-half to the General Fund of the State.
2. The balance shall be allocated and paid each month by the board to the various cities and towns in proportion to the amount of license fees and taxes collected from the licensees located in such cities and towns during the preceding month.

"Sec. 89. Violations—Penalties. Any person who violates any of the provisions of this act, or who manufactures or sells liquors and/or wines contrary to the provisions of this act, or who makes a false statement concerning any material fact in submitting any application for a license, or for a renewal of a license, or in any hearing concerning the revocation thereof, or who makes any false statement or keeps any false records in connection with the books and records required to be kept by the provisions of this act, shall be punished by a fine of not less than three hundred dollars (\$300.00), or more than one thousand dollars (\$1,000.00),

or by imprisonment in the county jail for not less than three (3) months, nor more than one (1) year, or by both such fine and imprisonment.

It is hereby made unlawful for any person to use or consume any liquors or wines upon the public streets or highways, or in automobiles or other vehicles on said streets or highways, or at any place other than a place of abode or a guest room of a hotel, except for the consumption of liquors or wines containing not more than fourteen percentum (14%) of alcohol by volume on the premises of a holder of a retailer's license, as provided in this act; and any person violating this provision shall be fined not to exceed one hundred dollars (\$100.00) or sentenced to thirty (30) days in the county jail, or both such fine and jail sentence.

"Sec. 90. Nothing in this act contained shall be construed to make it unlawful for any person to manufacture and sell to a licensed wholesaler, under such regulations as the board may prescribe, wine with an alcoholic content not in excess of fourteen per centum (14%) from grapes or other fruit produced by such person upon his own premises within this state.

"Sec. 91. Local Option. Any city or town in the state may prohibit the issuance of either dealer's license or retailer's licenses within its corporate limits in the manner hereinafter provided.

"Sec. 92. Referendum. Any city or town council by resolution may, or upon petitions of qualified voters representing twenty-five per cent (25%) of the total vote cast in such city or town at the last general election, submit to the voters of such city or town at the next regular election or special election called for that purpose, the following questions:

"Shall the issuance of retailer's or dealer's licenses providing for the sale of liquors and/or wines (as defined in this act) be prohibited within the corporate limits of the city (or town) of (naming it)?"

"Sec. 93. Local option—Prohibition. If, at such election, a majority of the votes cast favor the question submitted, the issuance of such licenses within the corporate limits of such city or town shall thereafter be prohibited, and any such licenses theretofore issued within the corporate limits of such city or town shall be forthwith cancelled by the commission.

Temporary Provisions

"Sec. 94. Original board. The Governor shall appoint the first nine members of said board, which appointments shall be subject to the approval of a majority of the executive council, and shall, in the separate appointments, so designate the term of office of each appointee that four will serve until July 1, 1935, two belonging to each of the two major political parties; and five will serve until July 1, 1937, not more than three of whom shall belong to either of the two major political parties.

"Sec. 95. Original board powers. The said first board shall possess and exercise all the rights, powers and duties of a regular full-time board.

"Sec. 96. Appropriations. There is hereby appropriated from any money in the state treasury not otherwise appropriated such sum as may be necessary to pay the salaries and expenses resulting from the carrying out of the provisions of this act until June 30, 1935.

"Sec. 97. Construction. If any section, subsection, sentence, clause, phrase, or requirement of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining por-

tions thereof. The legislature hereby declares that it would have passed this act, and each section, sub-section, sentence, clause, phrase and requirement thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, or requirements be declared unconstitutional."

Further amend by striking the title therefrom and inserting in lieu thereof the following:

"An Act to repeal Chapters Ninety-four (94), Ninety-five (95), Ninety-six (96), Ninety-seven (97), Ninety-eight (98), Ninety-nine (99), One Hundred (100), One Hundred One (101), One Hundred Two (102), One Hundred Three (103), and One Hundred Four (104), of Title VI of the Code of Iowa, 1931, relating to intoxicating liquors, to create a State Liquor Control Board and prescribing the powers and duties thereof, including the power to fix the sale price of liquor and wine; to provide for the control by such board of the liquor traffic within the State of Iowa; to provide for the issuance of licenses and permits; to provide revenue by taxation of liquors and wines and from licenses and permits to buy and sell liquors and wines; to provide for the allocation and distribution of the proceeds of revenue derived under this act; to provide punishments for violation of this act; and to make an appropriation for the purpose of carrying out the provisions of this act."

VINCENT F. HARRINGTON.

On motion of Senator Byers, the Senate adjourned until 10:00 a. m. Tuesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 13, 1934.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. C. E. Lookingbill, pastor of the M. E. Church of Nevada, also member of the House of Representatives.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Stevens of Decatur for the day, on request of Senator Doze; Senator Harrington for the day, on request of Senator Valentine; Senator Fisch for the day, on request of Senator Pendray.

PETITIONS AND MEMORIALS

The following petition was presented and referred to the designated committee:

Favoring passage of old age pension bill. Senator Wilson from Frank M. Deeds and family of Des Moines. Sifting committee.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on the tenth day of February he had signed the following bills:

Senate File 118, an act to make an appropriation for Ed. A. Schmidt.

Senate File 149, an act to make an appropriation to Robert A. Turpin.

Senate File 126, an act authorizing courts to enter rule for mental examination of persons who affirmatively plead their own mental disability.

Senate File 12, an act relating to redemption by debtor of real property from execution sale.

INTRODUCTION OF BILLS

Senate File 313, by emergency legislation committee, a bill for an act to amend the 1931 Code of Iowa by adding thereto immediately after Chapter five hundred twenty-three (523), Chapter number five hundred twenty-three-A one (523-A1), providing for the foreclosure of chattel mortgages on live stock, feed and/or grain by notice and sale by the sheriff of the county in which said property is located; providing the notice that shall be served, the manner of service, and the parties upon whom it shall be served; providing for the determination of the priority of liens by the court in case of controversy, for attorneys fees.

Read first and second times and referred to sifting committee.

Senate File 314, by claims committee, a bill for an act to make an appropriation to Robert Harrison.

Read first and second times and referred to committee on appropriations.

SPECIAL ORDER HOUSE FILE 112 CONSIDERED

Consideration of House File 112 was resumed, action having been deferred, as shown on page 1000 of the Senate journal, at which time the bill was read for information.

Senator Hicklin moved the adoption of the committee report.

The motion prevailed.

Senator Moore offered the following amendment and moved its adoption:

Amend by striking all of Section eight (8), and substituting in lieu thereof the following:

"Sec. 8. Amend section four thousand twenty-seven (4027), Code of Iowa, 1931 by adding at the end of said section the following: 'The cost of all medicine, care, X-ray, laboratory and maintenance furnished to such patients, shall be paid one-half by the state and one-half by the county of each patient's legal residence. The cost of the commitment, transportation, attendants and other special appliances and treatments of all patients admitted or accepted for treatment at the University Hospital shall be paid by the state.

"The Auditor of State shall make a quarterly estimate of the per diem charge for medicine, care, X-ray, laboratory and maintenance based upon such reports and audits as he shall require, and in the final quarter of each year he shall provide for an audit to determine the said per diem

charge for medicine, care and maintenance, and upon the basis of the same adjust any and all irregularities and errors found to exist as the result of the quarterly estimates.'"

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 18.

Anderson	Coykendall	Moore	Ritchie
Bennett	Doze	Mullaney	Roelofs
Booth	Hush	Patterson	Shangle
Carden	Husted	Pendray	Wenner
Chrystal	Klemme		

Nays, 27.

Aschenbrenner	Hicklin	Meyer	Stevens of
Baldwin	Hill	Miller of	Wapello
Beardsley	Hopkins	Buchanan	Topping
Beatty	Irwin	Miller of Jones	Tripp
Calhoun	Kimberly	Nelson	Valentine
Elthon	Knudson	Schmidt	Wilson
Frailey	Leo	Stanley	
Geske	McArthur		

Absent or not voting, 5.

Byers	Harrington	Reese	Stevens of
Fisch			Decatur

The amendment was lost.

Senator Hicklin moved that the reading previously had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Aschenbrenner	Elthon	Knudson	Ritchie
Baldwin	Frailey	Leo	Roelofs
Beardsley	Geske	McArthur	Schmidt
Beatty	Hicklin	Meyer	Shangle
Bennett	Hill	Miller of	Stanley
Booth	Hopkins	Buchanan	Stevens of
Calhoun	Hush	Miller of Jones	Wapello
Carden	Irwin	Mullaney	Topping
Coykendall	Kimberly	Nelson	Tripp
Doze	Klemme	Pendray	Wenner

Nays, 3.

Anderson	Moore	Patterson	
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Absent or not voting, 9.

Byers	Harrington	Stevens of	Valentine
Chrystal	Husted	Decatur	Wilson
Fisch	Reese		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hicklin moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Hicklin, Senate File 81, a companion bill to the one just passed, was withdrawn from further consideration.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, Senate Files 228 and 283.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate Files 228 and 283.

On motion of Senator Shangle, the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel, President pro tempore Harold L. Irwin presiding.

SPECIAL ORDER SENATE FILE 276 CONSIDERED

Senator Stanley called up for consideration Senate File 276 upon which action was deferred, as shown on page 995 of the Senate journal.

By unanimous consent, on request of Senator Tripp, his amendment, as filed on page 995 of the Senate journal, was withdrawn.

Senator Tripp offered the following amendment and moved its adoption:

Amend by striking all of sections twenty-eight (28) and twenty-nine

(29), and substituting in lieu thereof the following as sections twenty-eight (28) and twenty-nine (29):

"Sec. 28. The governor may order out troops. The governor shall have the power, in case of insurrection, invasion, or breaches of peace, or imminent danger thereof, to order into the service of the state such of its military forces as he may think proper, under the command of such officer as he may designate.

"Sec. 29. Aid to civil authorities. When the law enforcing officers of any subdivision or subdivisions of the state are unable to maintain law and order, the governor shall have the power, on the request of the civil authorities of such subdivision or subdivisions, in case of breaches of peace or imminent danger thereof, to order into active service of the state such of its military forces as he may deem proper, under the command of such officer as he may designate, for the purpose of aiding the civil authorities in maintaining law and order in such subdivision or subdivisions."

Senator Shangle offered the following amendment to the amendment and moved its adoption:

Amend section twenty-eight (28), lines two (2) and three (3), by striking therefrom the words "or breaches of peace, or imminent danger thereof,"

Roll call was demanded on the amendment to the amendment.

On the question "Shall the amendment to the amendment be adopted?" the vote was:

Ayes, 12.

Anderson	Hopkins	Miller of Jones	Pendray
Aschenbrenner	Hush	Mullaney	Ritchie
Doze	Husted	Patterson	Shangle

Nays, 26.

Baldwin	Frailey	Leo	Stanley
Beardsley	Geske	Meyer	Stevens of
Bennett	Hicklin	Miller of	Wapello
Booth	Irwin	Buchanan	Topping
Carden	Kimberly	Moore	Tripp
Chrystal	Klemme	Reese	Wenner
Elthon	Knudson	Schmidt	Wilson

Absent or not voting, 12.

Beatty	Fisch	McArthur	Stevens of
Byers	Harrington	Nelson	Decatur
Calhoun	Hill	Roelofs	Valentine
Coykendall			

The amendment to the amendment was lost.

Roll call was demanded on the pending amendment.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 36.

Anderson	Frailey	Miller of	Schmidt
Aschenbrenner	Geske	Buchanan	Shangle
Baldwin	Hicklin	Miller of Jones	Stanley
Beardsley	Husted	Mullaney	Stevens of
Beatty	Irwin	Nelson	Wapello
Bennett	Kimberly	Patterson	Topping
Booth	Klemme	Pendray	Tripp
Carden	Knudson	Reese	Valentine
Coykendall	Leo	Roelofs	Wenner
Elthon	Meyer		

Nays, 1.

Ritchie

Absent or not voting, 13.

Byers	Fisch	Hopkins	Moore
Calhoun	Harrington	Hush	Stevens of
Chrystal	Hill	McArthur	Decatur
Doze			Wilson

The amendment was adopted.

Senator Stanley offered the following amendment and moved its adoption:

Amend by enacting as Section Sixty-nine (69) the following: "Chapter twenty-eight (28), Code, 1931, and Chapters seventeen (17) and eighteen (18) of the Acts of the 45th General Assembly are hereby repealed."

Further amend said bill by renumbering section "sixty-nine (69)" as section "seventy (70)".

The amendment was adopted.

By unanimous consent, on request of Senator Beardsley, his amendment as found on page 1014 of the Senate journal, was withdrawn.

By unanimous consent, on request of Senator Aschenbrenner, his amendment, as found on page 1014 of the Senate journal, was withdrawn.

Senator Shangle offered the following amendment and moved its adoption:

Amend by striking Sections thirty-three (33), thirty-four (34), thirty-five (35), thirty-six (36), thirty-seven (37), thirty-eight (38), thirty-nine (39), forty (40), forty-one (41) and forty-two (42) and renumber the remaining sections.

Senator Stanley, as a substitute for the pending amendment, offered the following amendment and moved its adoption:

Amend by striking sections 33, 34 and 35 and renumbering the remaining sections.

Senator Miller of Buchanan moved the previous question on the pending amendment. The motion prevailed.

Roll call was demanded on the substitute amendment.

On the question "Shall the substitution be made?" the vote was:

Ayes, 29.

Anderson	Hicklin	Miller of	Stevens of
Baldwin	Hopkins	Buchanan	Wapello
Bennett	Irwin	Miller of Jones	Topping
Booth	Kimberly	Moore	Tripp
Carden	Klemme	Mullaney	Valentine
Chrystal	Knudson	Roelofs	Wenner
Frailey	Leo	Schmidt	Wilson
Geske	Meyer	Stanley	

Nays, 9.

Beardsley	Husted	Patterson	Ritchie
Beatty	Nelson	Pendray	Shangle
Hush			

Absent or not voting, 12.

Aschenbrenner	Doze	Harrington	Reese
Byers	Elthon	Hill	Stevens of
Calhoun	Fisch	McArthur	Decatur
Coykendall			

The substitution was made.

Senator Shangle addressed the Senate.

Senator Schmidt raised the point of order that there was nothing before the Senate for discussion.

The President ruled the point of order out of order as the question was on the adoption of the substitute amendment.

Roll call was demanded on the substitute amendment.

On the question "Shall the amendment as substituted be adopted?" the vote was:

Ayes, 38.

Anderson	Frailey	Meyer	Schmidt
Aschenbrenner	Geske	Miller of	Shangle
Baldwin	Hicklin	Buchanan	Stanley
Beatty	Hill	Miller of Jones	Stevens of
Bennett	Irwin	Moore	Wapello
Booth	Kimberly	Mullaney	Topping
Carden	Klemme	Patterson	Tripp
Chrystal	Knudson	Pendray	Valentine
Doze	Leo	Ritchie	Wenner
Elthon	McArthur	Roelofs	Wilson

Nays, none.

Absent or not voting, 12.

Beardsley	Fisch	Hush	Reese
Byers	Harrington	Husted	Stevens of
Calhoun	Hopkins	Nelson	Decatur
Coykendall			

The amendment as substituted was adopted.

Senator Patterson offered the following amendment and moved its adoption:

Amend by striking sections 3, 4 and 31.

By unanimous consent, on request of Senator Patterson, his amendment was withdrawn.

Senator Patterson offered the following amendment and moved its adoption:

Amend section 31 by inserting before the word "missile" in line 5 the word "dangerous".

The amendment was adopted.

Senator Wilson offered the following amendments and moved their adoption:

Amend section 41 by striking all of said section after the word "laws," in line 4 and inserting in lieu thereof the following: "shall have the same immunity as peace officers"; also by inserting after the word "officer" in line 2 the words "and members".

The amendments were adopted.

Senator Beatty offered the following amendment and moved its adoption:

Amend section 43 by striking the period after the word "person" in line 7 and by adding the following: ", unless it be shown that such officer, member or agent has acted from motives of malice."

The amendment was adopted.

Senator Stanley moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 32.

Anderson	Booth	Elthon	Hopkins
Aschenbrenner	Carden	Frailey	Irwin
Baldwin	Chrystal	Geske	Kimberly
Bennett	Doze	Hicklin	Klemme

Knudson	Miller of	Roelofs	Topping
Leo	Buchanan	Schmidt	Tripp
McArthur	Moore	Stanley	Valentine
Meyer	Mullaney	Stevens of	Wenner
		Wapello	Wilson

Nays, 11.

Beardsley	Hush	Nelson	Ritchie
Calhoun	Husted	Patterson	Shangle
Hill	Miller of Jones	Pendray	

Absent or not voting, 7.

Beatty	Coykendall	Harrington	Stevens of
Byers	Fisch	Reese	Decatur

The bill having received a constitutional majority was declared to have passed the Senate.

Senator Stanley moved to amend the title by striking therefrom the words "for the declaration of martial law and".

The amendment to the title was adopted and the title as amended was agreed to.

Senator Stanley moved that the vote by which the bill passed the Senate be reconsidered and the motion to reconsider be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Senator Leo submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred Senate File 287, a bill for an act to make an appropriation to Elmer Williams, begs leave to report it has had the same under consideration and recommends the same do pass. RICHARD V. LEO, *Chairman*.

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 288, a bill for an act to make an appropriation to Ben Terhark, begs leave to report it has had the same under consideration and recommends the same do pass. RICHARD V. LEO, *Chairman*.

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 289, a bill for an act to make an appropriation to Staley Sales Corporation, begs leave to report it has had the same under consideration and recommends the same do pass. RICHARD V. LEO, *Chairman*.

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 290, a bill for an act to make an appropriation to O. D. Scholl, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 291, a bill for an act to make an appropriation to Roscoe W. Wilson, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 292, a bill for an act to make an appropriation to Mrs. Clina Waltz of Mason City, Iowa, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 303, a bill for an act to make an appropriation to Lyon County, Iowa, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 304, a bill for an act to make an appropriation to Inter-City Bus Line, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 305, a bill for an act to make an appropriation to Nettie Mae Bennett and to E. D. Marshall, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 306, a bill for an act to make an appropriation to I. J. Petri, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 307, a bill for an act to make an appropriation to A. R. Walton, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 308, a bill for an act to make an appropriation to W. F. Bellamy, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 309, a bill for an act to make an appropriation to the Dallas County News and to C. W. Havenstein, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred Senate File 310, a bill for an act to make an appropriation to Leonard Ruback and Richard Ruback, begs leave to report it has had the same under consideration and returns the bill without recommendation.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also:

Your committee on appropriations to which was referred House File 328, a bill for an act to make an emergency appropriation to the Iowa State Board of Education for the purpose of providing a water system, including a water softener, and for fire-proofing the roof and remodeling the attic of the main building at the Iowa School for the Blind, Vinton, Iowa, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

SENATE FILE 188 WITHDRAWN

By unanimous consent, on request of Senator Tripp, Senate File 188 was withdrawn from further consideration.

The journal of February 12th was corrected and approved.

AMENDMENTS FILED

Amend House File 216 by adding after the period in line 4 of Section 11 the following:

"Provided, however, that before any permit shall be granted to any pipe line company proposing to engage in intrastate commerce, the commission shall, after a public hearing as provided in this chapter, determine whether the services proposed to be rendered will promote the public convenience and necessity, and an affirmative finding to such effect shall be a condition precedent to the granting of such permit."

GEORGE A. WILSON.

E. R. HICKLIN.

Amend House File 216 by adding after the period in line 6 of Section 18 the following:

"The provisions of this chapter shall not be retroactive as against existing rights of property owners where pipe lines have been constructed or are in the process of construction."

GEORGE A. WILSON.

E. R. HICKLIN.

On motion of Senator Schmidt the Senate adjourned until 10:00 a. m. Wednesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 14, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Dr. S. A. Fulton, pastor of the First Presbyterian Church of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring Senate File 150. Senator Hopkins from voters of Waukee, Adel and Dallas Center. Liquor control.

Favoring tax on chain stores. Senator Ritchie from business men of Humboldt, Bode and Livermore. Sifting committee.

Favoring increase in restaurant license fees. Senator Moore from Council Bluffs Restaurant Men's Association. Sifting committee.

Favoring bill requiring insurance companies to dispose of all foreclosed land within ninety days. Senator Ritchie from voters of Buena Vista, Pocahontas and Humboldt counties. Sifting committee.

COPIES SENATE FILE 276 ORDERED

By unanimous consent, on request of Senator Stanley, 600 copies of Senate File 276, as passed by the Senate, were ordered printed.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully

reports that it has examined and finds correctly enrolled: House Files 94, 316 and 331; Senate Files 80, 242 and 248.

HOMER HUSH, *Chairman Senate Committee.*

W.M. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House Files 94, 316 and 331; Senate Files 80, 242 and 248.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 14th day of February, 1934, sent to the Governor for his approval, Senate Files 80, 242, 248, 228 and 283.

HOMER HUSH, *Chairman.*

Passed on file.

SPECIAL ORDER HOUSE FILE 292 CONSIDERED

There being a call of the Senate on file, for consideration of House File 292, roll call revealed the presence of all members of the Senate except Senators Anderson, Hicklin and Patterson.

By unanimous consent, on request of Senator Frailey, the absent Senators were excused temporarily.

THIRD READING OF BILLS

On motion of Senator Frailey, House File 292, a bill for an act to promote temperance in the State of Iowa; to create a Liquor Control Commission; to prescribe its powers, duties, and to provide for the control by such commission of the alcoholic liquor traffic within the State of Iowa, and to provide for the licensing thereof and revenue therefrom; to provide for the enforcement and to prescribe the penalties for violation of this Act; to provide for the confiscation and disposal of property seized under the provisions hereof; to provide for the abatement of nuisances created by the violation of this Act; to provide for periodical audits of the Commission; to fix penalties, prescribe procedure, and to repeal Chapter forty-two (42) of the Acts of the forty-fifth (45) General Assembly, Chapters ninety-four (94) to one hundred four (104),

inclusive, which includes Sections nineteen hundred twenty-two (1922) to and including Section twenty-one hundred eighty (2180) of the nineteen hundred thirty-one (1931) Code of Iowa, and any and all laws or parts of laws inconsistent with this Act, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

The committee amendments, as filed on pages 817 to 822 inclusive and the supplemental committee report as filed on page 959 of the Senate journal, were taken up by section and considered.

Senator Patterson appeared in the Senate chamber.

Senator Frailey moved the adoption of the following committee amendment:

1. Amend the title by changing the final period to a semi-colon and adding the following:

"provided, however, that the repeal of any Chapters of the Code or sections thereof shall in no manner repeal or affect Chapter Thirty-seven (37) of the Laws of the Forty-fifth (45th) General Assembly, it being the intent of this Act that the said Chapter Thirty-seven (37) of the Laws of the Forty-fifth (45th) General Assembly shall remain in full force and effect as enacted or as hereafter amended."

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

2. Amend Section 2 by striking all after the word "Act" in lines 7 and 8 and inserting in lieu thereof the following:

"are hereby repealed; provided, however, that the repeal of any Chapters of the Code or sections thereof shall in no manner repeal or affect Chapter Thirty-seven (37) of the Laws of the Forty-fifth (45th) General Assembly, it being the intent of this Act that the said Chapter Thirty-seven (37) of the Laws of the Forty-fifth (45th) General Assembly shall remain in full force and effect as enacted or as hereafter amended."

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

3. Amend Section 3 by striking all after the word "liquor" in line 3, all of line 4 and the words "provisions of" in line 5 and inserting in lieu thereof the following: ", except beer as defined in"; also by striking the parenthesis mark in line 6.

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

4. Amend Section 4, subsection 2, by striking line 8 thereof and inserting a period at the end of line 7.

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

5. Amend Section 4 by striking subsection 5.

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

6. Amend Section 4 by striking subsection 6 and inserting in lieu thereof the following:

"6. "Alcoholic Liquor" includes the three varieties of liquor above defined (alcohol, spirits, and wine), and every liquid or solid, patented or not, containing alcohol, spirits, or wine, and susceptible of being consumed by a human being, for beverage purposes. Any liquid or solid containing more than one of the three varieties above defined is considered as belonging to that variety which has the highest percentage of alcohol, according to the order in which they are above defined."

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

7. Amend Section 4 by striking subsection 12.

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

9. Amend Section 5, subsection (1), by striking out the word "three" in line 2 thereof and inserting in lieu thereof the word "five"; also by striking out the word "two" in line 3 thereof and inserting in lieu thereof the word "three".

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

11. Amend Section 5, subsection (4), by striking from lines 39 and 40 the words ", subject to approval of the executive council".

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

12. Amend Section 5, subsection (4), by striking the word "his" in line 42 and inserting in lieu thereof the word "their"; also by striking the words "the city of Des Moines" in line 44 and inserting in lieu thereof the words "their place of residence".

The amendment was adopted.

Senator Frailey offered the following amendment and moved its adoption:

Amend section 5, subsection 4, by striking from line 42 the word "each".

The amendment was adopted.

Senator Hicklin appeared in the Senate chamber.

Senator Frailey moved the adoption of the following committee amendment:

13. Amend Section 5, subsection (4), by striking from lines 47 and 48 the words "and by the executive council, as a condition precedent to payment".

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

14. Amend Section 5, subsection (5), by striking out the words "executive council" in lines 54 and 55 and inserting in lieu thereof the following: "Senate by a two-thirds (2/3) vote of the members in executive session"; also by striking out the word "one" in line 55 thereof and inserting in lieu thereof the word "two"; also by striking out the word "one" where it first appears in line 56 thereof and inserting in lieu thereof the word "two".

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

15. Amend Section 6 by striking from line 5 the words "the State Capitol at".

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

16. Amend Section 7, subsection (h), by striking out the period after the word "package" in line 32 and inserting a comma and adding the following: "unless otherwise herein provided for."

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

18. Amend Section 10, subsection (1), by adding after the word "distributor" in line 4 the following:

" , who shall have been in business not less than five (5) years prior to such appointment,".

Senator Frailey moved to amend the amendment by adding after the word "business" the following: "in and a resident of such town"; also by inserting after the word "years" the word "immediately".

The amendment to the amendment was adopted.

Roll call was demanded on the amendment as amended.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 41.

Baldwin	Frailey	McArthur	Schmidt
Beardsley	Geske	Meyer	Stanley
Beatty	Harrington	Miller of	Stevens of
Bennett	Hicklin	Buchanan	Decatur
Booth	Hill	Miller of Jones	Stevens of
Byers	Hush	Mullaney	Wapello
Calhoun	Irwin	Nelson	Topping
Chrystal	Kimberly	Patterson	Tripp
Doze	Klemme	Pendray	Valentine
Elthon	Knudson	Reese	Wenner
Fisch	Leo	Roelofs	Wilson

Nays, 8.

Aschenbrenner	Coykendall	Husted	Ritchie
Carden	Hopkins	Moore	Shangle

Absent or not voting, 1.

Anderson

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

19. Amend Section 10, subsection (3), by striking the words "after one year" in line 17 thereof; also by striking the word "shall" in line 19 and inserting in lieu thereof the word "may".

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

20. Amend Section 10, subsection (4), by striking the words "for one year or more" in line 22.

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

21. Amend by striking Section 11-a and inserting in lieu thereof the following:

"Sec. 11-a. The Liquor Control Commission shall prescribe from time to time by rule or regulation the qualifications to be possessed by persons desiring employment in State liquor stores or establishments."

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

22. Amend Section 15 by striking the words "handling monies" in line 8 and inserting in lieu thereof the words "holding positions of trust"; also amend by striking out the words "such monies" in line 10 and inserting in lieu thereof the words "all monies, merchandise and other properties".

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

23. Amend Section 19 by striking out the word "druggist" in line 28 thereof and inserting in lieu thereof the word "pharmacist".

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

24. Amend Section 19 by changing the period after the word "surgeon" in line 33 to a comma and adding the following:

"and to purchase liquor from the State Liquor Stores or special distributors for use in manufacturing or compounding lotions, compounds, and other like commodities not susceptible for beverage purpose, and to sell the same for public use."

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

25. Amend Section 19 by striking therefrom subsection (e), lines 91 to 101 inclusive, and inserting in lieu thereof the following:

"Nothing in this Act shall prohibit the legitimate sale of patent and proprietary medicines, tinctures, food products, extracts, toilet articles and perfumes, and other like commodities, none of which are generally classified or used as a beverage but which require as one of their ingredients alcoholic or vinous liquors, through the ordinary retail or wholesale channels."

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

26. Amend Section 20 by striking out lines 1 to 7 inclusive and inserting in lieu thereof the following:

"For an "individual permit" under clause (a) of subsection (2) issued after this act takes effect or upon the taking effect of this act the fee shall be one dollar (\$1.00) and such permit shall expire upon the 30th day of June, 1934. On all such permits issued on or after July 1, 1934, the fee shall be one dollar (\$1.00), and such permits shall expire on June 30th following date of issuance."

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

27. Amend by striking out Section 27.

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

28. Amend by inserting immediately before Section 28 the following:

"Sec. — (1) Upon application in the prescribed form and accompanied by the prescribed fee, the commission may in accordance with this Act, and in accordance with the regulations, made thereunder, grant special licenses to the following classes:

- (a) Hotels.
- (b) Restaurants.
- (c) Clubs.

"(2) "Hotel Licenses" shall allow the retail sale and consumption of light wines and beer by the patrons of such hotel and the fee for such "hotel license" shall be in the sum of.....Dollars.

"(3) A "restaurant license" shall in all respects be identical as to provisions, obligations and penalties with the "hotel license" except that the business that is carried on shall be that of a restaurant and not of a hotel and the fee for such license shall be in the sum of.....Dollars.

"(4) A "club license" may be issued by the commission subject to the following conditions, limitations, and restrictions:

(a) No license shall be issued to a proprietary club or one operated for a pecuniary gain:

1. Unless the premises occupied by such club be constructed, equipped, managed and operated to the satisfaction of the commission and in accordance with the provisions of this Act and the regulations made thereunder.

2. Unless such club through its duly elected officers shall, at least thirty days prior to the date of application for license, file with the commission notice of its intention to apply for such a license, accompanied with a description of the premises occupied or proposed to be occupied and a list of the paid up membership of such club and those in good standing.

(b) A "club license" shall be issued in the name of the club applying for the same and shall not be transferrable nor assignable nor shall the holder of a club license allow any other group or person to use the same.

"For the purpose of considering and determining whether or not a club license should be issued the commission may cause an inspection to be made of the premises occupied by such club and inquire into any and all matters concerning the establishment, constitution, or management of such club and the commission may in its discretion grant or refuse such license. The commission may, from time to time in the exercise of like discretion and, with or without hearing, suspend or cancel any club license and any or all rights of such club. Such licenses shall be either suspended or cancelled in the discretion of the commission.

"Whenever a club license has been suspended or cancelled as herein provided the holder of such license shall forthwith deliver the same to the commission. Upon failure of the club license holder to deliver said license to the commission, the commission shall forthwith cancel the same. In the case of the suspension of said license, the commission shall return the license to the holder at the expiration of such period of suspension. Where the club license has been either suspended or cancelled, the commission shall notify all vendors in the municipality where the club has its premises and such other persons as may be provided for in the regulations under this Act made, of the fact of such suspension or cancellation of licenses. In the event of the cancellation of a club license, no license shall thereafter be issued to said club within the period of one (1) year from the date of such cancellation of license.

"Every club license issued under this section shall be subject to all of the conditions and restrictions imposed by the Act and by the regulations made thereunder.

"Every licensed club shall post and keep posted its club license in a prominent position or place on the club premises.

"The fee for a club license as herein defined shall be in the sum ofDollars.

"Subject to the provisions of this Act, and regulations promulgated under this Act, the commission shall have authority to issue a liquor license as provided for in this Act for any premises kept or operated by a club as defined in this Act, entitling such club to purchase liquor from a state liquor store, and to keep on the premises such liquor, and, subject to the provisions of this Act and the regulations made thereunder, to sell the same, to members for consumption on the club premises."

By unanimous consent, on request of Senator Frailey, the amendment was amended by inserting in the blank space before the word "Dollars" as it appears in subsections (2), (3) and subparagraph (b) the words and figures "one hundred fifty (\$150.00)".

On motion of Senator Frailey, the Senate recessed until 1:00 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel.

HOUSE FILE 292 RESUMED

Under the call, roll call revealed the presence of all members of the Senate except Senators Anderson, Fisch, Moore, Nelson and Roelofs.

The absent Senators were excused temporarily.

Consideration of committee amendment No. 28 was resumed.

Senator Frailey called up the following amendment to the amendment and moved its adoption:

12. Amend the Senate Committee Amendment No. 28 by striking the word "light" immediately preceding the word "wines" in line 2, subsection 2, and adding after the word "wines" in line 2, subsection 2, the words "of natural fermentation".

The amendment to the amendment was adopted.

By unanimous consent, on request of Senator Frailey, subsection (2) of the amendment was amended by striking from line 2 the words "and beer".

Senators Anderson and Nelson appeared in the Senate chamber.

Senator Frailey called up the following amendment to the amendment and moved its adoption:

13. Amend the Senate Committee Amendment No. 28 by adding thereto as Paragraph (c) the following:

"(c) Every hotel, restaurant or club licensee may sell wines of natural fermentation, and beer in that part of the hotel, restaurant or club habitually used for serving of meals to guests and patrons, and in the case of hotels, to registered guests in their rooms; and in the case of clubs, to members in private rooms in the club. No hotel, restaurant or club licensee shall maintain any counter or bar at or over which liquor is

served to guests or patrons. No licensee hereunder shall give away any food of any kind in connection with the sale of such wines or beer."

By unanimous consent, on request of Senator Frailey, the amendment to the amendment was amended by striking from line 2 of subparagraph (c) the words "and beer" also by striking from the last line the words "or beer".

By unanimous consent, on request of Senator Frailey, the words and figures "one hundred fifty (\$150)" were changed to the words and figures "seventy-five (\$75.00)" as previously fixed, in subsections (2) and (3) of the amendment; also by changing the words and figures "one hundred fifty (\$150)" to "fifty (\$50.00)" in subparagraph (c) of the amendment to the amendment.

The amendment to the amendment as corrected was adopted.

Senator Shangle offered the following amendment to the amendment and moved its adoption:

Amend subsection (4) by inserting after the word "license" in line 1 thereof the words "to sell wines of natural fermentation".

The amendment to the amendment was adopted.

Senators Roelofs, Fisch and Moore appeared in the Senate chamber and the call was declared complete.

By unanimous consent, on request of Senator Frailey the last paragraph of the pending amendment was amended by striking the word "Act" from the first line thereof and inserting in lieu thereof the word "section".

Senator Shangle offered the following amendment to the amendment and moved its adoption:

Amend by striking the last paragraph of the amendment beginning with the word "Subject".

The amendment was withdrawn by unanimous consent.

Senator Shangle offered the following amendment to the amendment and moved its adoption:

Amend the last paragraph of subparagraph (b) by striking from lines 4 and 5 the word "liquor" and inserting in lieu thereof the words "wines of natural fermentation".

The amendment to the amendment was adopted.

Roll call was demanded on the pending amendment.

On the question "Shall the amendment as amended be adopted?" the vote was:

Ayes, 30.

Anderson	Harrington	Miller of	Roelofs
Baldwin	Hicklin	Buchanan	Schmidt
Bennett	Hill	Miller of Jones	Shangle
Byers	Irwin	Moore	Stevens of
Chrystal	Kimberly	Mullaney	Wapello
Fisch	Klemme	Patterson	Topping
Frailey	Knudson	Reese	Valentine
Geske	Meyer	Ritchie	Wilson

Nays, 12.

Beatty	Coykendall	Hush	Stanley
Booth	Doze	Husted	Tripp
Carden	Hopkins	Pendray	Wenner

Absent or not voting, 8.

Aschenbrenner	Elthon	McArthur	Stevens of
Beardsley	Leo	Nelson	Decatur
Calhoun			

The amendment as amended was adopted.

By unanimous consent, on request of Senator Frailey, committee amendment No. 29 to section 28 was withdrawn from further consideration.

Senator Frailey moved the adoption of the following committee amendment:

8. Amend Section 4 by inserting therein after subsection 22 thereof the following as subsection 23:

"23. (a) "Hotel" means every building or other structure, kept, used, maintained, advertised, and held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests in which rooms are used for sleeping accommodations for such transient guests and having one or more dining rooms being connected in the same building or buildings, structure or structures, being provided, in the judgment of the commission, with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein such number and kinds of servants and employees as the commission may by regulation prescribe for preparing, cooking, and serving suitable food for its guests.

"(b) "Restaurant" means a space in a suitable building, approved by the commission, kept, used, maintained, advertised or held out to the people to be a place where the principal business is the serving of meals without sleeping accommodations, such space being provided, in the judgment of the commission, with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein such number and kinds of servants and employees as the commission may by regulation prescribe for preparing, cooking, and serving suitable food for its guests.

"(c) "Club" means an association of persons, whether incorporated or unincorporated, for the promotion of some common object (not including associations organized for any commercial or business purpose the object of which is money profit), owning, hiring, or leasing a building or space in a building, of such an extent and character as in the judgment of the commission may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment, implements and facilities, and employing a sufficient number of servants or employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the commission annually within ten (10) days of February first of each year a list of the names and residences of its members, and similarly files within ten (10) days of the election of any additional member, his name and address, and that its aggregate annual membership fees or dues and other income, exclusive of any proceeds of the sale of alcoholic liquor, are sufficient to defray the annual rental of its leased or rented premises, or, if such premises are owned by the club, are sufficient to meet the taxes, insurance, repairs, and the interest on any mortgage thereof; and provided, further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting, and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the disposition or sale of alcoholic liquor to the club or to the members of the club, or its guests introduced by members, beyond the amount of such salary as may be fixed and voted at annual meetings by the members or by its directors or other governing body and as reported by the club to the commission, within three months after such annual meeting, and as shall in the judgment of the commission be reasonable and proper compensation for the services of such member, officer, agent, or employee."

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

17. Amend Section 7 by inserting after subsection (k) the following:
"(1) To designate what hotels, restaurants, and clubs shall be allowed to sell alcoholic liquor for consumption with meals."

Senator Frailey called up for consideration the following amendment to the amendment and moved its adoption:

6. Amend the Senate Committee Amendment No. 17 by adding a period after the word "liquor" and striking therefrom the words "for consumption with meals".

The amendment to the amendment was adopted.

Senator Frailey offered the following amendment to the amendment and moved its adoption:

Amend by striking from line 3 the words "alcoholic liquor" and inserting in lieu thereof the words "wines of natural fermentation".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Frailey moved the adoption of the following committee amendment:

10. Amend Section 5, subsection (4), by striking out the words "three thousand six hundred" in line 36 thereof and inserting in lieu thereof the words "five thousand".

Roll call was demanded.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 24.

Anderson	Frailey	Miller of	Stevens of
Aschenbrenner	Geske	Buchanan	Decatur
Baldwin	Hicklin	Moore	Stevens of
Bennett	Irwin	Reese	Wapello
Byers	Kimberly	Roelofs	Topping
Chrystal	Meyer	Schmidt	Valentine
Fisch		Shangle	Wilson

Nays, 23.

Beardsley	Elthon	Knudson	Pendray
Beatty	Hill	Leo	Ritchie
Booth	Hopkins	McArthur	Stanley
Calhoun	Hush	Miller of Jones	Tripp
Carden	Husted	Mullaney	Wenner
Coykendall	Klemme	Patterson	

Absent or not voting, 3.

Doze	Harrington	Nelson
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The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

30. Amend Section 33 by striking from lines 3 and 4 thereof the words "or at any place other than a place of abode or a guest room of a hotel,".

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

31. Amend by striking Section 38.

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

32. Amend by striking Section 41.

The amendment was adopted.

Senator Klemme offered the following amendment and moved its adoption:

Amend section forty-three (43), by striking from line four (4) the words: "five hundred thousand" and inserting in lieu thereof: "twenty-five thousand".

Further amend by adding after the word "dollars" in line four (4) the following: "; said amount to be refunded to the general fund of the state as soon as there is sufficient funds in the Liquor Control Act Fund,".

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 17.

Aschenbrenner	Elthon	Klemme	Pendray
Beardsley	Hill	Leo	Ritchie
Beatty	Hopkins	Nelson	Stanley
Calhoun	Husted	Patterson	Wenner
Carden			

Nays, 33.

Anderson	Frailey	Meyer	Shangle
Baldwin	Geske	Miller of	Stevens of
Bennett	Harrington	Buchanan	Decatur
Booth	Hicklin	Miller of Jones	Stevens of
Byers	Hush	Moore	Wapello
Chrystal	Irwin	Mullaney	Topping
Coykendall	Kimberly	Reese	Tripp
Doze	Knudson	Roelofs	Valentine
Fisch	McArthur	Schmidt	Wilson

Absent or not voting, none.

The amendment was lost.

Senator Frailey moved the adoption of the following committee amendment:

33. Amend Section 43 by striking out in line 4 thereof the words "five hundred thousand" and inserting in lieu thereof the words "one million".

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 16.

Anderson	Frailey	Miller of	Schmidt
Aschenbrenner	Geske	Buchanan	Shangle
Baldwin	Irwin	Reese	Topping
Byers	Kimberly	Roelofs	Valentine
Chrystal			

Nays, 34.

Beardsley	Fisch	Leo	Ritchie
Beatty	Harrington	McArthur	Stanley
Bennett	Hicklin	Meyer	Stevens of
Booth	Hill	Miller of Jones	Decatur
Calhoun	Hopkins	Moore	Stevens of
Carden	Hush	Mullaney	Wapello
Coykendall	Husted	Nelson	Tripp
Doze	Klemme	Patterson	Wenner
Elthon	Knudson	Pendray	Wilson

Absent or not voting, none.

The amendment was lost.

Senator Frailey moved the adoption of the following committee amendment:

34. Amend by striking out Section 49 and inserting in lieu thereof the following:

"Sec. 49. Notwithstanding anything in this Act contained, but subject to any regulations or restrictions which the commission may impose, manufacturers of native wines from grapes, cherries, other fruit juices, or honey grown and produced in Iowa may sell, keep, or offer for sale and deliver the same in such quantities as may be permitted by the commission for consumption off the premises.

"A manufacturer of native wines shall not sell such wines otherwise than as permitted by this section or allow any wine so sold, or any part thereof, to be drunk upon the premises of such manufacturer."

Senator Frailey offered the following amendment to the amendment and moved its adoption:

Amend by adding the following:

"Notwithstanding anything in this act contained, any person may manufacture native wine as herein defined for consumption on his own premises."

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Frailey moved the adoption of the following committee amendment:

35. Amend Section 52 by striking lines 14 and 15 and inserting in lieu

thereof the following: "conviction shall be sentenced to the county jail or the penitentiary, in the discretion of the court, for a period not exceeding one year."

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

36. Amend Section 86 by striking therefrom lines 8 to 13 inclusive and inserting in lieu thereof the following:

"Any neglect, misfeasance, or malfeasance shown by any peace officer included in this section will be sufficient cause for his removal as provided for by the statutes of the State of Iowa."

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

37. Amend Section 87 by striking out the words "Fort Madison" in line 2 thereof and inserting in lieu thereof the word "Evening".

The amendment was adopted.

Senator Frailey moved the adoption of the following committee amendment:

38. Further amend by renumbering all sections and subsections thereof to conform to the foregoing amendments.

The amendment was adopted.

Senator Frailey moved the adoption of the following supplemental committee amendment:

1. Amend Section 4 by striking subsection 10 and inserting in lieu thereof the following:

"10. 'License' means a contract between the commission and a licensee entitled thereto under the provisions of this Act."

The amendment was adopted.

Senator Frailey moved the adoption of the following supplemental committee amendment:

2. Amend Section 4, by adding as subsection 24, the following:

"24. 'Wholesaler' means any person who shall sell, barter, exchange, offer for sale or have in possession with intent to sell alcoholic liquor and wines to retailers for re-sale."

The amendment was adopted.

Senator Frailey moved the adoption of the following supplemental committee amendment:

3. Amend Section 5, subsection 2, by striking out the words "said commission" in line 13 thereof and inserting in lieu thereof the words "such employment".

The amendment was adopted.

Senator Frailey moved the adoption of the following supplemental committee amendment:

4. Amend Section 7, subsection (b), by striking out the period in line 15 and adding thereto the following: "or any church used as such."

The amendment was adopted.

Senator Frailey moved the adoption of the following supplemental committee amendment:

5. Amend Section 7, subsection (f), by adding after the word "cause" in line 25 the following: "deemed by the commission in its discretion as sufficient".

The amendment was adopted.

Senator Frailey moved the adoption of the following supplemental committee amendment:

7. Amend Section 14 by adding after the period in line 12 thereof the following:

"No alcoholic liquor shall be labeled 'Whisky' unless it is a distillate of fermented mash of grain or mixture of grains. Spirits, the alcoholic content of which is distilled of any other substance, must be labeled 'Imitation'. No spirits shall contain any substance, compound or ingredient which is injurious to health or deleterious for human consumption."

The amendment was adopted.

Senator Frailey moved the adoption of the following supplemental committee amendment:

8. Amend Section 18 by striking the words "one to another" from line 2 and inserting in lieu thereof the words "the place of purchase by the Commission to any"; also by adding after the word "Act" in line 4 the following: "or from one such place to another".

The amendment was adopted.

Senator Frailey moved the adoption of the following supplemental committee amendments:

9. Amend Section 18 by adding after the word "vendor" in line 7 the following words: "or a special distributor"; also by striking the word "effect" in line 15 and inserting in lieu thereof the word "affect".

The amendments were adopted.

Senator Frailey moved the adoption of the following supplemental committee amendments:

10. Amend Section 19 by inserting as Paragraph (d) at line 44 the following:

“(d) A special permit may be issued by the commission to individuals, associations, corporations, or organizations for the right to purchase and consume alcoholic liquors, wines, and beer at social function or special occasions, subject to such conditions and regulations as the commission may prescribe in the home of the permittee, or in establishments holding a special license; and the fee for such special permit shall be in such amount as may be prescribed by the commission, but in no event less than two dollars per day.”

Further amend by renumbering Paragraph (d) to read as Paragraph (e).

By unanimous consent on request of Senator Frailey, the amendment was amended by striking from subsection (d) the words “, and beer”; also by striking the comma after the word “liquors” in line 3 of said subsection and inserting in lieu thereof the word “and”.

Roll call was demanded on the amendment.

On the question “Shall the amendment be adopted?” the vote was:

Ayes, 24.

Anderson	Harrington	Miller of Jones	Stevens of
Baldwin	Hicklin	Moore	Decatur
Byers	Irwin	Mullaney	Stevens of
Chrystal	Kimberly	Reese	Wapello
Fisch	Meyer	Roelofs	Topping
Frailey	Miller of	Schmidt	Wilson
Geske	Buchanan	Shangle	

Nays, 15.

Beatty	Elthon	Klemme	Stanley
Booth	Hopkins	McArthur	Tripp
Calhoun	Hush	Pendray	Wenner
Carden	Husted	Ritchie	

Absent or not voting, 11.

Aschenbrenner	Coykendall	Knudson	Patterson
Beardsley	Doze	Leo	Valentine
Bennett	Hill	Nelson	

The amendment was adopted.

Senator Frailey moved the adoption of the following supplemental committee amendment:

11. Amend Section 19, subsection (d), by adding after the word “State” in line 78 the following: “or from the commission”.

The amendment was adopted.

Senator Harrington moved the adoption of the following supplemental amendment:

14. Amend by inserting as Section 28-a the following:

"Sec. 28-a. Upon application in the prescribed form and accompanied by a fee of one hundred dollars (\$100) and subject to the provisions of this Act and the rules and regulations of the commission, the commission shall grant a license good for a period of one year after date of issuance, to a wholesaler, which shall allow the wholesaler to purchase alcoholic liquor from distillers either within or without the State for the purpose of supplying customers of such wholesaler engaged in the sale of alcoholic liquor and wines at retail outside of the State."

The amendment was adopted.

Senator Harrington moved the adoption of the following supplemental amendment:

15. Amend Section 29 by inserting after the word "manufacturer" in line 2 the words "or wholesaler"; also by inserting after the word "manufacturer" in line 4 the words "or wholesaler"; also by inserting after the figures "(\$5000)" the words "for a manufacturer and one thousand dollars (\$1000) for a wholesaler".

The amendment was adopted.

Senator Harrington moved the adoption of the following supplemental committee amendment:

16. Amend Section 30 by inserting after the word "manufacturer" in line 1 the words "or wholesaler".

The amendment was adopted.

Senator Frailey moved the adoption of the following supplemental committee amendment:

17. Amend Section 31 by adding after the word "no" in line 7 the word "such"; also by striking the word "should" in line 8 and inserting in lieu thereof the word "shall"; also by adding after the word "be" in line 10 the word "lawfully".

The amendment was adopted.

Senator Frailey moved the adoption of the following supplemental committee amendment:

18. Amend Section 43 by inserting after the word "Act" in line 17 the following: "as determined and fixed from time to time by the comptroller".

The amendment was adopted.

Senator Frailey moved the adoption of the following supplemental committee amendment:

19. Further amend by renumbering all sections and subsections thereof to conform to the foregoing amendments.

The amendment was adopted.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 17, a bill for an act relating to mileage of sheriffs and their deputies.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENTS TO SENATE FILE 17

Amend section one (1) by adding as the third paragraph the following: "Section six (6), Chapter Ninety (90), is amended by inserting after the word "law" in line six (6) the words "he shall receive five cents (5c) per mile for that portion of the trip outside of the county."

Add as section two (2) the following:

"Sec. 2. This act being deemed of immediate importance, shall be in full force and effect from and after its passage and publication in the Cedar Falls Daily Record, a newspaper published at Cedar Falls, Iowa, and the Fort Dodge Messenger, a newspaper published at Fort Dodge, Iowa."

The journal of February 13th was corrected and approved.

REPORT OF CONFERENCE COMMITTEE ON HOUSE FILE 97

MR. PRESIDENT: We, the undersigned Conference Committee appointed to consider the difference between the Senate and the House on House File 97, being a bill for an act to amend sections forty-four hundred eighty-five (4485), forty-five hundred three (4503), and forty-five hundred five (4505), Code, 1931, and to repeal section forty-four hundred eighty-six (4486), Code, 1931, all relating to the protection of the permanent school fund, begs leave to report that it has had the same under consideration and recommends that section two (2) of the original bill as amended be stricken therefrom and the following be substituted in lieu thereof:

Repeal Section forty-five hundred three (4503) Code, 1931, and enact the following as a substitute therefor:

"All lands now acquired under permanent school fund foreclosure proceedings shall be resold within six years from January 1, 1934 and lands acquired after such date shall be resold within six years from date of foreclosure. Such land shall be appraised, advertised, and sold in the

manner provided for the appraisal, advertisement, sale and conveyance of the sixteenth section or lands selected in lieu thereof."

Further amend by striking sections one and four.

Amend the title by striking all after the word "amend" in line one (1), and insert in lieu thereof the following:

"section forty-five hundred five (4505), Code, 1931, and to repeal section forty-five hundred three (4503), Code, 1931, and enact a substitute therefor, all relating to permanent school funds."

W. F. MILLER, *Chairman.*

O. J. GRAU, *Chairman.*

LEO ELTHON.

C. S. HOOK.

JOHN N. CALHOUN.

A. C. HANSON.

LAFE HILL.

JOHN H. SCHROEDER.

On the part of the Senate.

On the part of the House.

AMENDMENTS FILED

Amend House File 292, as follows:

Strike out of Sub-section three (3) of Section Five (5), all after the semi-colon (;) in line twenty-nine (29), and insert in lieu thereof the following:

"such removal shall not be in lieu of any other punishment that may be prescribed by the laws of the State of Iowa." E. R. HICKLIN.

Amend House File 292, as follows:

Add a new Section, number eighty-five (85), as follows:

"Sec. 85. Any member, secretary, officer or employee of the Commission who shall knowingly or willfully violate any of the provisions of this act, or aid, assist or permit any such violation, shall be guilty of a misdemeanor and be punishable by fine of not to exceed \$1,000.00, nor less than \$300.00, or by imprisonment in the County Jail for not less than three months, nor more than one year, or by both such fine and imprisonment.

"Section thirteen thousand two hundred ninety-three (13,293), Code, 1931, is hereby made applicable to the members and employees of the Liquor Control Commission." E. R. HICKLIN.

Amend House File 292 as follows:

1. Amend Section 4, subsection 14, by striking out the words "or 'beer' is brewed,".

2. Amend Section 7, subsection (a), by striking all of lines five (5), six (6), seven (7) and eight (8).

3. Amend Section 7, subsection (b), by adding after the word "towns" in line 11 the following: "including cities and towns under special charter and cities under commission form of government".

4. Amend Section 9 by striking out the words "or special charter city" in line 2 thereof and inserting in lieu thereof the following: "including cities under special charter and cities under commission form of government,".

5. Amend Section 9 by placing a period after the word "sold" in line 9 thereof and striking the remainder of the section.

6. Amend Section 17 by inserting after the word "Store" in line 3 thereof the following: ", special distributor".

7. Amend Section 19 by adding after the word "purchase" in line 11 thereof the following: ", possession and/or transportation".

8. Amend Section 27 as adopted by adding at the end thereof as a separate paragraph the following: "All licenses shall expire one year after date of issuance."

9. Amend by striking Section 33 and inserting in lieu thereof the following:

"Sec. 33. It is hereby made unlawful for any person to use or consume any alcoholic liquors upon the public streets or highways, or in any public place, and no person shall be intoxicated nor simulate intoxication in a public place; and any person violating any provisions of this section except as otherwise provided shall be fined not to exceed one hundred dollars (\$100.00) or sentenced not to exceed thirty (30) days in the county jail."

J. R. FRAILEY.

On motion of Senator Shangle the Senate adjourned until 10:00 a. m. Thursday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 15, 1934.

The Senate met in regular session, Senator Geo. A. Wilson presiding, at the request of President N. G. Kraschel.

Prayer was offered by Dr. Raymond M. Shipman, district superintendent of the Methodist Episcopal Church of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring passage of old age pension bill. Senator Wilson from citizens of Des Moines. Judiciary No. 2.

Favoring tax on chain stores. Senator Irwin from business men of Clinton county; Senator Leo from business men of Benton county. Sifting committee.

Opposing increase in hunting and fishing license fees. Senator Valentine from voters of Mystic. Sifting committee.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 280, a bill for an act to make an appropriation to the Secretary of War.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 266, a bill for an act to make an appropriation to certain veterinarians employed by the Department of Agriculture in special cases to cover fees and mileage.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 263, a bill for an act to make an appropriation to Cornell College.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 260, a bill for an act to make an appropriation to Dan Rhodes.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 259, a bill for an act to make an appropriation to Robert A. Miller.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 257, a bill for an act to make an appropriation to the Soldier Valley Mutual Telephone and Telegraph Company.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 256, a bill for an act to make an appropriation to the city of Waterloo, Iowa.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 281, a bill for an act relating to agricultural seeds.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE FILE 292 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate except Senators Harrington, Hicklin and Stevens of Wapello.

By unanimous consent, on request of Senator Frailey, the absent Senators were excused temporarily.

Senator Frailey offered the following amendment and moved its adoption:

1. Amend Section 4, subsection 14, by striking out the words "or 'beer' is brewed,".

The amendment was adopted.

Senators Harrington and Hicklin appeared in the Senate chamber.

Senator Frailey offered the following amendment and moved its adoption:

2. Amend Section 7, subsection (a), by striking all of lines five (5), six (6), seven (7) and eight (8).

The amendment was adopted.

Senator Frailey offered the following amendment and moved its adoption:

3. Amend Section 7, subsection (b), by adding after the word "towns"

in line 11 the following: "including cities and towns under special charter and cities under commission form of government".

The amendment was adopted.

Senator Frailey offered the following amendment and moved its adoption:

4. Amend Section 9 by striking out the words "or special charter city" in line 2 thereof and inserting in lieu the following: "including cities under special charter and cities under commission form of government,".

The amendment was adopted.

Senator Frailey offered the following amendment and moved its adoption:

5. Amend Section 9 by placing a period after the word "sold" in line 9 thereof and striking the remainder of the section.

The amendment was adopted.

Senator Frailey offered the following amendment and moved its adoption:

6. Amend Section 17 by inserting after the word "Store" in line 3 thereof the following: ", special distributor".

The amendment was adopted.

Senator Frailey offered the following amendment and moved its adoption:

7. Amend Section 19 by adding after the word "purchase" in line 11 thereof the following: ", possession and/or transportation".

The amendment was adopted.

Senator Frailey offered the following amendment and moved its adoption:

8. Amend Section 27 as adopted by adding at the end thereof as a separate paragraph the following: "All licenses shall expire one year after date of issuance."

The amendment was adopted.

Senator Frailey offered the following amendment and moved its adoption:

9. Amend by striking Section 33 and inserting in lieu thereof the following:

"Sec. 33. It is hereby made unlawful for any person to use or consume any alcoholic liquors upon the public streets or highways, or in any public place, and no person shall be intoxicated nor simulate intoxication in a public place; and any person violating any provisions of this

section except as otherwise provided shall be fined not to exceed one hundred dollars (\$100.00) or sentenced not to exceed thirty (30) days in the county jail."

The amendment was adopted.

Senator Shangle offered the following amendment and moved its adoption:

Amend section 84 by striking from line 1 the words "otherwise stated" and inserting in lieu thereof the words "other penalties are herein provided".

The amendment was adopted.

Senator Hopkins offered the following amendment and moved its adoption:

Amend the title by striking out the word "temperance" in line 1, and inserting in lieu thereof the words "the sale of liquor".

The amendment was lost.

Senator Hicklin offered the following amendment and moved its adoption:

Strike out of Sub-section three (3) of Section Five (5), all after the semi-colon (;) in line twenty-nine (29), and insert in lieu thereof the following:

"such removal shall not be in lieu of any other punishment that may be prescribed by the laws of the State of Iowa;"

The amendment was adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Add a new Section, number eighty-five (85), as follows:

"Sec. 85. Any member, secretary, officer or employee of the Commission who shall knowingly or willfully violate any of the provisions of this act, or aid, assist or permit any such violation, shall be guilty of a misdemeanor and be punishable by fine of not to exceed \$1,000.00, nor less than \$300.00, or by imprisonment in the County Jail for not less than three months, nor more than one year, or by both such fine and imprisonment.

"Section thirteen thousand two hundred ninety three (13,293), Code, 1931, is hereby made applicable to the members and employees of the Liquor Control Commission."

By unanimous consent, on request of Senator Hicklin, the amendment was amended by inserting before the word "aid" in line 3 the words "knowingly and willfully".

President N. G. Kraschel took the chair at 10:56 a. m.

The amendment as amended was adopted.

Senator Baldwin offered the following amendment and moved its adoption:

Amend by adding thereto the following:

Temporary Provisions

Section 87. Wholesale drug houses may obtain from the commission temporary licenses which shall permit them:

- (a) to sell alcoholic liquors to licensees under the provisions of this act.
- (b) to sell alcoholic liquors to retail druggists who shall have obtained temporary licenses under the provisions of this act.
- (c) to sell alcoholic liquors to persons licensed to use the same for commercial purposes.

Sec. 88. Retail druggists may obtain temporary permits from the commission which shall permit them:

- (a) to buy alcoholic liquors as herein provided.
- (b) to retail alcoholic liquor to the public in original packages for consumption by the purchaser as provided by this act.

Sec. 89. Each wholesaler granted a temporary license under the provisions of this act shall pay a fee of One Hundred Dollars (\$100.00). Each retail druggist granted a temporary license under the provisions of this act shall pay a fee of Twenty-five Dollars (\$25.00).

Sec. 90. The granting of such temporary licenses shall be discretionary with the commission and shall be determined by the needs of the community wherein granted, both as to number and location.

Sec. 91. Such licenses may be terminated by the commission as soon as a state liquor store is established in the community wherein such temporary permittee is operating.

Sec. 92. The commission may purchase at cost to licensee such stock of alcoholic liquor as a temporary permittee shall have in his possession at the time of the cancellation of his permit under the provisions of this act.

Further amend by renumbering the remaining sections in accordance with the foregoing provisions.

Senator Beardsley asked to have action deferred on the amendment until such time as the same could be printed in the journal.

Senator Frailey offered the following amendment to the amendment and moved its adoption:

Amend section 91 by striking from line 1 the word "may" and inserting in lieu thereof the word "shall".

Senator Beardsley changed his request, that action on the amendment be deferred temporarily.

Senator Shangle raised the point of order that the considera-

tion of the amendment was deferred until it could be printed in the journal.

The President held that Senator Beardsley only wanted to defer action temporarily and Senator Coykendall had asked for a reading of the amendment.

By unanimous consent, on request of Senator Tripp, Senator Stevens of Wapello was excused until a final vote, on account of absence from the city.

Senator Beardsley moved to defer action until the amendment could be printed in the journal.

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the motion prevail?" the vote was:

Ayes, 22.

Aschenbrenner	Chrystal	Klemme	Pendray
Beardsley	Elthon	Leo	Ritchie
Beatty	Hill	McArthur	Roelofs
Bennett	Hopkins	Nelson	Shangle
Calhoun	Hush	Patterson	Stanley
Carden	Husted		

Nays, 27.

Anderson	Geske	Miller of	Stevens of
Baldwin	Harrington	Buchanan	Decatur
Booth	Hicklin	Miller of Jones	Topping
Byers	Irwin	Moore	Tripp
Coykendall	Kimberly	Mullaney	Valentine
Doze	Knudson	Reese	Wenner
Fisch	Meyer	Schmidt	Wilson
Frailey			

Absent or not voting, 1.

Stevens of
Wapello

The motion to defer was lost.

Senator Baldwin moved that action on the amendment be deferred temporarily until copies were placed on the desks of the members of the Senate.

The motion prevailed.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: House Files 112 and 327.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House Files 112 and 327.

On motion of Senator Frailey the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel, President N. G. Kraschel presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House insists on its amendments to the following bill in which the concurrence of the Senate is asked:

Senate File No. 273, a bill for an act to require the board of supervisors and the members thereof to close or cause to be closed against vehicular travel, all secondary roads which may be formally vacated or affirmatively abandoned by said board. The House requests a conference committee, and the Speaker has appointed as members of such committee, on the part of the House, Representatives Reed of Mahaska, McFarlane of Black Hawk, Osborn of Decatur, and Casey of Mitchell.

Also: That the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 98, a bill for an act relating to real estate brokers.

Also: That the House has adopted the conference committee report and concurred in the amendments proposed therein, to the following bill in which the concurrence of the Senate is asked:

House File No. 17, a bill for an act relating to the lien of poll taxes and of taxes on personal property.

Also: That the House has adopted the conference committee report and concurred in amendments proposed therein, to the following bill in which the concurrence of the House was asked:

House File No. 97, a bill for an act relating to the protection of the permanent school fund.

VIRGIL LEKIN, *Chief Clerk.*

CONFERENCE COMMITTEE ON SENATE FILE 273

The President appointed as Senate members of the conference committee on Senate File 273, Senators Booth, Calhoun, Coykendall and Mullaney.

The journal of February 14th was corrected and approved.

HOUSE FILE 292 RESUMED

Roll call revealed the presence of all members of the Senate except Senators Anderson, Knudson, Moore and Patterson.

Senator Coykendall moved that the Senate excuse the absent Senators until a vote.

The motion prevailed.

Consideration of the pending Baldwin amendment was resumed.

Senator Patterson appeared in the Senate chamber.

Senator Beardsley offered the following as a substitute for the pending amendment and amendment to the amendment and moved its adoption:

Amend by adding as a section the following:

"Sec. —. No repeal declared in this act shall be deemed to affect the validity or continued operation of any existing permit issued under chapters one hundred (100) to one hundred four (104), inclusive, of the Code, 1931, until said permits are formally terminated by the Commission and the power to terminate is hereby vested in the Commission."

Senators Knudson, Moore and Anderson appeared in the Senate chamber, and the call was declared complete.

Roll call was demanded.

On the question "Shall the substitution be made?" the vote was:

Ayes, 47.

Anderson	Elthon	McArthur	Schmidt
Aschenbrenner	Fisch	Meyer	Shangle
Baldwin	Frailey	Miller of	Stanley
Beardsley	Geske	Buchanan	Stevens of
Beatty	Hill	Miller of Jones	Decatur
Bennett	Hopkins	Moore	Stevens of
Booth	Hush	Mullaney	Wapello
Byers	Husted	Nelson	Topping
Calhoun	Irwin	Patterson	Tripp
Carden	Kimberly	Pendray	Valentine
Chrystal	Klemme	Reese	Wenner
Coykendall	Knudson	Roelofs	Wilson
Doze	Leo		

Nays, none.

Absent or not voting, 3.

Harrington

Hicklin

Ritchie

The substitution was made. The amendment as substituted was adopted.

By unanimous consent, on request of Senator Klemme, his amendments to sections 23 and 33, as filed on page 989 of the Senate journal, were withdrawn.

Senator Byers offered the following amendment and moved its adoption:

Amend by inserting after Section 28 the following:

"Sec. 29. Subject to the provisions of this act, the commission may issue alcoholic liquor licenses to hotels, restaurants, and clubs as defined herein and located within the limits of the municipality affected, authorizing and entitling such licensed hotels, restaurants and clubs to purchase alcoholic liquor from state liquor stores, and to keep on the premises of such hotel, restaurant, or club such alcoholic liquor and, subject to the provisions of this act and the regulations made thereunder to sell the same to guests, patrons or members for consumption on the premises.

"Sec. 30. Not more than fifty such hotels, restaurants, and/or club licenses may be issued in any one city; nor shall more than one such license to each two thousand of population thereof be issued in any city. No alcoholic liquor license shall be granted to any hotel, restaurant, or club in any city in the State of Iowa having less than ten thousand population. Population as referred to in this act shall be determined by the last Federal census.

"Sec. 31. Applications for hotel, restaurant, or club alcoholic liquor licenses shall be filed with the commission in such form as the commission shall prescribe; which application shall be accompanied by a licensee fee and bond as hereinafter prescribed. Every such application shall contain a description of that part of the hotel, restaurant or club for which the applicant desires a license, and shall set forth such other material information, description or plan of that part of the hotel, restaurant or club where it is proposed to keep and sell liquor as may be required by the regulations of the commission. If the applicant is a natural person, his application must show that he is a citizen of the United States, and has been a resident of the State of Iowa for at least two years immediately preceding his application. If the applicant is a corporation, the application must show that the corporation was created under and by virtue of the laws of the State of Iowa, or is legally entitled to transact business in the State of Iowa. The application shall be signed and verified by oath or affirmation by the owner, if a natural person, or in the case of an association or partnership, the application shall set forth the names and addresses of the persons constituting the association, or the names and addresses of the partners and state the interest of each such partner or member therein; and if a corporation, the names and

addresses of the principal officers thereof. No license may be issued to any partnership, association or corporation unless the manager thereof is a citizen of the State of Iowa.

"Sec. 32. Every applicant for a hotel, restaurant or club alcoholic liquor license shall before receiving such license pay to the commission the following license fees: If said hotel, restaurant, or club is located in the city having a population of more than fifty thousand, the sum of One Thousand Dollars for each license applied for. Cities having a population from ten thousand to fifty thousand, the sum of Seven Hundred Fifty Dollars for each license applied for. The fees for hotel, restaurant or club licenses applied for and issued on or after October 1, but prior to January 1 shall be three-fourths of the annual fee. January 1, but prior to April 1 shall be one-half of the annual fee. April 1, but prior to July 1 shall be one-fourth of the annual fee.

An alcoholic liquor licensee hereunder shall not be required to obtain a license to sell wine or pay the fee therein provided under the provisions of Section 28 hereof nor shall such licensee be required to obtain a license or pay the fee therefor as provided for in Chapter 37 Acts of the 45th General Assembly, but such alcoholic liquor licensee shall have all of the rights and privileges granted to licensees under Section 28 hereof and Chapter 37 Acts of the 45th General Assembly of Iowa.

The liquor commission shall keep a full and complete record of all license fees received by them, and shall, quarterly, on October 1, January 1, April 1, and July 1, of each year remit to the city treasurer the amount of all license fees that have been paid to the commission by licensees in such city.

"Sec. 33. Upon receipt of the application accompanied by the proper license fee and bond as herein provided for, and it appearing that the applicant is of good character, and not otherwise disqualified under the provisions of this act, and seeks a license for a hotel, restaurant or club as defined in this act, the commission may grant and issue to the applicant a license authorizing him to purchase alcoholic liquor from an Iowa liquor store, and to sell the liquor so purchased to guests, patrons or members for consumption in that part of the hotel, restaurant or club, habitually used for the serving of meals to patrons, guests of members or in private rooms in the building as herein provided, and in accordance with this act and regulations made thereunder.

"Sec. 34. No alcoholic liquor license shall be granted or issue to any hotel, restaurant or club until the applicant therefor has filed with the commission a bond payable to the State of Iowa in the sum of Two Thousand Five Hundred Dollars; such bond shall have as surety a duly authorized surety company, or at least two individuals approved by the commission. Such bond shall be conditioned upon the faithful observance of all of the laws of this state relative to alcoholic liquors, and shall be retained by the commission. In event of revocation of license as provided in this act, such license bond shall be delivered to the department of justice who shall bring such action thereunder as is necessary or proper.

"Sec. 35. Hotel, restaurant and/or club licenses issued under the provisions of this act shall be non-assignable. The commission is hereby authorized to transfer any hotel, restaurant or club liquor license from

one person to another or from one place to another within the same municipality, but no such transfer may be made to any person, association or corporation who would not have been eligible to receive such license originally; nor for the transacting of business at a place which would not have lawfully been entitled to a license originally. Any such transfer of license may be made at any time at the discretion of the commission. Application for such transfer shall be filed with the commission at least ten days before the transfer is made, and notice of such application for transfer shall be published at least once in a newspaper of general circulation in the municipality in which the applicant for transfer is domiciled, as the commission may prescribe.

"Sec. 36. Unless previously revoked, all hotel, restaurant and/or club alcoholic liquor licenses issued by the commission under the terms of this act shall expire and terminate on the 30th day of June immediately succeeding the issuance of such license.

"Sec. 37. Hotel, restaurant and club alcoholic liquor licenses issued by the commission under the provisions of this act shall be renewed annually in such form as the commission shall prescribe, but no license shall be renewable until the applicant shall file with the commission a bond, as in this act provided, and shall have paid in advance the license fee specified in this act.

"Sec. 38. The commission shall have the power to revoke or suspend any hotel, restaurant or club alcoholic liquor license theretofore issued by it; or the Attorney General of the State of Iowa, or the County Attorney or any county wherein such licensee is domiciled shall have the right to petition the district court of the State of Iowa in and for the county in which such licensee is domiciled for the revocation of such license, and if after notice and hearing, it shall appear to the court that the licensee has violated any of the provisions of this act, or lawful regulation of the commission relating to the sale of alcoholic liquor, the court may suspend or revoke the license. The court shall assess or remit the costs in its discretion. In the event of the revocation or suspension of such license by the commission, the licensee may appeal from such revocation or suspension to the district court of the county in which such licensee is domiciled. Such appeal shall be upon petition of the licensee who shall be entitled to a hearing thereon by said court after ten days service of said petition upon the commission, which service shall be upon a member of the commission wherever found or upon the secretary or a principal employee of said commission at the principal office of the commission, at Des Moines, Iowa, or wherever located. The commission shall be represented at such hearing by the department of justice. Testimony may be presented at such hearing by the licensee and by the commission and after consideration, the court shall either sustain the revocation or suspension of such license or order the restoration or continuation of license.

Any licensee whose license is revoked shall be ineligible to receive a license under this act for two years from the date of such revocation.

"Sec. 39. Every hotel, restaurant or club licensee may sell alcoholic liquor for consumption in that part of the hotel, restaurant or club habitually used for serving of meals to guests and patrons, and in the case of hotels to registered guests in their rooms; and in the case of clubs to their

members in private rooms in the club. No hotel, restaurant or club licensee shall maintain any counter or bar at or over which liquor is served to guests or patrons. No licensee hereunder shall give away food of any kind in connection with the sale of intoxicating liquor.

"Sec. 40. Intoxicating liquors may be sold by licensee only between the hours of 8:00 A. M. and 12:00 P. M. and it shall be unlawful to sell intoxicating liquors on Sunday or any legal holiday or on any day on which a general, special, municipal, or primary election is being held.

"Sec. 41. The commission shall at the direction of the Governor temporarily suspend all licenses issued under the provisions of this act during any period of emergency proclaimed as such by the Governor and shall temporarily suspend all such licenses in territory under martial law for the duration of such period.

"Sec. 42. The right to prohibit the sale of alcoholic liquors, except wines as defined herein, by hotels, restaurants and clubs, is hereby conferred upon the electors of any incorporated city or town, or city under special charter to which this act is applicable.

"Sec. 43. Not oftener than once every two years whenever qualified electors of any city authorized hereunder, equal in number to at least 25% of the number voting for Governor at the last regular election, shall petition for an election hereunder the council, commission or corresponding governing body of such municipality shall by resolution fix the date for such an election. Such election may be held at the same time as a regular election, or as a special election as the council, commission or governing body may determine. Notice of such election in form to be prescribed by the commission shall be published in at least one newspaper of general circulation in the municipality in which such election is to be held at least once each week for four weeks immediately preceding such election.

"Sec. 44. The council or corresponding governing body of the city holding such an election shall within ten days thereafter certify to the commission the result of the vote upon the question so submitted, which question shall be submitted in substantially the following form:

"Shall the Iowa liquor control commission issue licenses to hotels, restaurants and/or clubs located in the city of county of, State of Iowa, pursuant to and in accordance with the provisions of the Iowa Liquor Control Act."

If such question is submitted at a regular election, special ballot boxes shall be provided and the ballots voted pursuant hereto shall be deposited therein. If a majority of the electors voting at such an election shall vote in the negative, then the commission shall not issue alcoholic liquor licenses to hotels, restaurants, and clubs as provided for in this act.

"Sec. 45. The laws of the state relative to elections in cities and towns, and cities under special charter shall, insofar as applicable, apply to elections held under this act.

The commission shall have the power to promulgate reasonable rules and regulations not inconsistent with law governing such elections."

And further amend by renumbering the remaining sections.

Senator Patterson offered the following amendment to the amendment and moved its adoption:

Amend section 30 by striking from line 5 the words "ten thousand" and inserting in lieu thereof the words "twenty-five hundred".

The amendment to the amendment was adopted.

By unanimous consent, on request of Senator Byers, sections 39 and 40 were amended by striking therefrom the word "intoxicating" as it appears before the word "liquor" and substituting therefor the word "alcoholic".

Roll call was demanded on the amendment.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 18.

Anderson	Geske	Meyer	Schmidt
Baldwin	Harrington	Moore	Topping
Byers	Hicklin	Patterson	Wenner
Coykendall	Irwin	Reese	Wilson
Frailey	Kimberly		

Nays, 30.

Aschenbrenner	Elthon	Leo	Roelofs
Beardsley	Fisch	McArthur	Shangle
Beatty	Hill	Miller of	Stanley
Bennett	Hopkins	Buchanan	Stevens of
Booth	Hush	Mullaney	Decatur
Calhoun	Husted	Nelson	Stevens of
Carden	Klemme	Pendray	Wapello
Chrystal	Knudson	Ritchie	Tripp
Doze			

Absent or not voting, 2.

Miller of Jones Valentine

The amendment was lost.

Senator Stevens of Wapello moved to reconsider the vote by which supplemental committee amendment No. 10 to sec. 19 was adopted, as found on page 1084 of the Senate journal.

On the question "Shall the motion to reconsider prevail?" the vote was:

Ayes, 38.

Aschenbrenner	Calhoun	Elthon	Hopkins
Beardsley	Carden	Fisch	Hush
Beatty	Chrystal	Frailey	Husted
Bennett	Coykendall	Geske	Klemme
Booth	Doze	Hill	Knudson

Leo	Nelson	Shangle	Tripp
McArthur	Patterson	Stanley	Valentine
Miller of	Pendray	Stevens of	Wenner
Buchanan	Ritchie	Decatur	Wilson
Miller of Jones	Roelofs	Stevens of	
Mullaney		Wapello	

Nays, 11.

Anderson	Harrington	Meyer	Schmidt
Baldwin	Hicklin	Moore	Topping
Byers	Kimberly	Reese	

Absent or not voting, 1.

Irwin

The motion to reconsider prevailed.

Roll call was demanded on the passage of the amendment.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 13.

Anderson	Geske	Kimberly	Reese
Baldwin	Harrington	Meyer	Schmidt
Byers	Hicklin	Moore	Topping
Frailey			

Nays, 37.

Aschenbrenner	Elthon	McArthur	Shangle
Beardsley	Fisch	Miller of	Stanley
Beatty	Hill	Buchanan	Stevens of
Bennett	Hopkins	Miller of Jones	Decatur
Booth	Hush	Mullaney	Stevens of
Calhoun	Husted	Nelson	Wapello
Carden	Irwin	Patterson	Tripp
Chrystal	Klemme	Pendray	Valentine
Coykendall	Knudson	Ritchie	Wenner
Doze	Leo	Roelofs	Wilson

Absent or not voting, none

The amendment was lost.

Senator Baldwin offered the following amendment and moved its adoption:

Amend section 8, subsection (f), by inserting a period after the word "Act" in line 38 and striking the remainder of the paragraph.

By unanimous consent, on request of Senator Baldwin, his amendment was withdrawn.

Senator Harrington called up for consideration his amendment as filed on pages 1038 to 1053 inclusive and moved its adoption.

Senator Hush was called to the chair at 2:55 p. m.

President N. G. Kraschel returned to the chair at 3:03 p. m.

After discussion, action was temporarily deferred.

AMENDMENTS FILED

Amend the Harrington amendment to House File 292 as follows:

Strike Sections 91, 92 and 93 thereof and insert in lieu thereof the following:

Sec. 91. Local Option. Notwithstanding the authority by this act vested in the Iowa Liquor Control Board, any county may prohibit the sale and/or distribution of alcoholic beverages by proceeding in the manner hereinafter provided.

Sec. 92. Referendum. The county board of supervisors shall, upon petitions signed by the qualified voters of such county, equal in number to fifteen per cent (15%) of the total votes cast in the county in the last general election, submit as provided by law to the voters in such county at the next regular election, the following questions:

"Shall the sale and/or distribution of alcoholic beverages as provided for in the Iowa Liquor Control Act be prohibited within the boundaries of County?"

Sec. 93. Local Option—Prohibition. If at such election a majority of the votes cast are in favor of the proposition submitted in the question, the sale and distribution of alcoholic beverages as provided for in the Iowa Liquor Control Act shall be prohibited within the boundaries of said county.

Sec. 94. Provided further that regardless of the outcome of said election, the question may be again submitted at any regular election not less than two years subsequent to prior submission of the question, upon re-petitioning of the qualified voters of the county equal in number to fifteen per cent (15%) of the total number of votes cast in the county at the last general election.

Further amend the Harrington amendment to House File 292 by re-numbering the remaining sections.

FRED W. NELSON.

Amend House File 292 by inserting after Section 86 the following:

Sec. 87. Local Option. Notwithstanding the authority by this act vested in the Commission, any county may prohibit the sale and/or distribution of alcoholic beverages by proceeding in the manner hereinafter provided.

Sec. 88. Referendum. The county board of supervisors shall, upon petitions signed by the qualified voters of such county, equal in number to fifteen per cent (15%) of the total votes cast in the county in the last general election, submit as provided by law to the voters of such county at the next regular election, the following questions:

"Shall the sale and/or distribution of alcoholic beverages as provided for in The Iowa Liquor Control Act be prohibited within the boundaries of County?"

Sec. 89. Local Option—Prohibition. If at such election a majority of the votes cast are in favor of the proposition submitted in the question, the sale and distribution of alcoholic beverages as provided for in the Iowa Liquor Control Act shall be prohibited within the boundaries of said county.

Sec. 90. Provided further that regardless of the outcome of said election, the question may be again submitted at any regular election not less than two years subsequent to prior submission of the question, upon re-petitioning of the qualified voters of the county equal in number to fifteen per cent (15%) of the total number of votes cast in the county at the last general election.

Further amend House File 292 by renumbering the remaining sections.

FRED W. NELSON.

Amend House File 185 as follows:

Amend Section two (2) by striking the period in line thirty-four (34) and substituting in lieu thereof the following:

“; provided however that any such product or substance that has a flash point less than one hundred (100) degrees Fahrenheit as determined by the Tagliabue Closed Cup Test, or has an initial boiling point of less than three hundred (300) degrees Fahrenheit as determined by the Method of the American Society of Testing Materials, or has a ninety per cent (90%) distillation point at less than five hundred (500) degrees Fahrenheit as determined by the Method of the American Society of Testing Materials, shall be regarded as capable of operating such internal combustion engines without combination with other substances.”

Further amend Section two (2) by striking lines thirty-five (35) to forty-one (41) inclusive and substituting therefor the following:

“The Treasurer is authorized to raise the above specifications from time to time by regulations issued and published by him as advances are made in the production of motor vehicle fuel and in the devices for the consumption of motor vehicle fuel by motor vehicles.”

Further amend House File 185, Section fourteen (14), by striking the period in line thirty-four (34) thereof and adding the following:

“; provided however that tax free sales of fuel oil may be made by fuel oil dealers or fuel oil distributors for the purpose of operating tractors used for agricultural purposes to persons holding refund permits issued under the provisions of this act, but in such event the purchasers must sign the exemption certificate stating the purpose for which such fuel is to be used, and indorse thereon his refund permit number.”

HOMER HUSH.

Senator Knudson moved that the Senate adjourn until 10:00 a. m. tomorrow.

Senator Knudson raised the point of order that the motion to adjourn could not be debated.

The President held the point of order well taken.

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the Senate adjourn?" the vote was:

Ayes, 27.

Anderson	Frailey	Miller of	Stevens of
Aschenbrenner	Geske	Buchanan	Decatur
Baldwin	Hush	Miller of Jones	Stevens of
Byers	Irwin	Mullaney	Wapello
Carden	Kimberly	Roelofs	Topping
Chrystal	Knudson	Shangle	Valentine
Coykendall	McArthur	Stanley	Wilson
Doze	Meyer		

Nays, 22.

Beardsley	Fisch	Klemme	Reese
Beatty	Harrington	Leo	Ritchie
Bennett	Hicklin	Moore	Schmidt
Booth	Hill	Patterson	Tripp
Calhoun	Hopkins	Pendray	Wenner
Elthon	Husted		

Absent or not voting, 1.

Nelson

The motion prevailed and the Senate adjourned until 10:00 a. m. tomorrow.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 16, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Dilman Smith, chaplain of the Iowa Methodist Hospital, of Des Moines.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on the fourteenth day of February he had signed the following bills:

Senate File 228, an act to make permanent the transfer, in Wineshiek County, Iowa, of certain funds to the poor fund.

Senate File 248, an act to legalize the tax levy made by the Board of Supervisors of Muscatine County, Iowa, to provide a fund for the support of indigent children.

Senate File 283, an act to authorize certain cities acting under the commission form of government to take title to privately owned armories.

Senate File 242, an act relating to the removal of undesirable fish from the public waters of the state.

Senate File 80, an act relating to the requisition of vehicles condemned.

INTRODUCTION OF BILLS

Senate File 315, by liquor control committee, a bill for an act to repeal Chapter thirty-eight (38), Acts of the forty-fifth General Assembly and to amend Chapter thirty-seven (37), Acts of the forty-fifth General Assembly relating to the manufacture, sale and distribution of beer; defining beer; providing for the regulation of the manufacture, sale and distribution of beer; providing revenue for the State of Iowa and certain of its municipal subdivisions, including cities and towns under special charter, by taxation of

and from permits to manufacture and/or sell beer and providing for issuance of permits therefor and by providing penalties for the violation of the provisions hereof.

Read first and second times and placed on the calendar.

HOUSE MESSAGE CONSIDERED

House File 281, a bill for an act to amend sections thirty-one hundred twenty-seven (3127), thirty-one hundred thirty-six (3136) and thirty-one hundred thirty-seven (3137), Code, 1931, relating to agricultural seeds.

Read first and second times and referred to sifting committee.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: House File 98.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House File 98.

CONSIDERATION CONFERENCE COMMITTEE REPORT ON HOUSE FILE 17

Senator Stanley called up for consideration the conference committee report on House File 17, as filed on page 708 of the Senate journal.

On the question, "Shall the report be adopted and the passage of the bill in its original form be concurred in?" the vote was:

Ayes, 46.

Anderson	Chrystal	Hill	McArthur
Aschenbrenner	Coykendall	Hopkins	Meyer
Baldwin	Doze	Hush	Miller of
Beardsley	Elthon	Husted	Buchanan
Bennett	Fisch	Irwin	Miller of Jones
Booth	Frailey	Kimberly	Moore
Byers	Geske	Klemme	Mullaney
Calhoun	Harrington	Knudson	Patterson
Carden	Hicklin	Leo	Pendray

Reese
Ritchie
Roelofs
Shangle

Stanley
Stevens of
Decatur

Stevens of
Wapello
Topping

Valentine
Tripp
Wenner

Nays, 1.

Wilson

Absent or not voting, 3.

Beatty

Nelson

Schmidt

The report was adopted and the passage of the bill in its original form concurred in.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File 255, a bill for an act to legalize action of the Board of Supervisors of Story County, Iowa, in making expenditures from the Story County Insane Fund for the purpose of paying the expenses and maintenance of the Story County Home.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 224, a bill for an act regulating compensation of election boards.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 223, a bill for an act relating to the qualifications of an absentee voter and the manner and time of obtaining and voting absentee ballots.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 206, a bill for an act to authorize conversion of building and loan associations into federal savings and loan associations.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 333, a bill for an act to aid in advancement by the Reconstruction Finance Corporation, or any other Federal government Agency.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 140, a bill for an act relating to place of payment of public bonds and interest thereon.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE FILE 292 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate and the call was declared complete.

Senator Harrington called up for consideration his amendment upon which action was deferred as shown on page 1103 of the Senate journal, and moved its adoption.

Senator Valentine moved the previous question on the pending amendment.

The motion prevailed.

On motion of Senator Shangle the Senate recessed until 1:00 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel.

HOUSE MESSAGES CONSIDERED

House File 333, a bill for an act to amend Section one (1) of Chapter one hundred seventy-eight (178) of the Acts of the Forty-fifth General Assembly, regular session, to aid in advancement by the Reconstruction Finance Corporation, or any other Federal governmental agency.

Read first and second times and referred to sifting committee.

House File 140, a bill for an act relating to place of payment of public bonds and interest thereon.

Read first and second times and referred to sifting committee.

HOUSE FILE 292 RESUMED

The call revealed the presence of all members of the Senate, and the call was declared complete.

Consideration of the pending Harrington amendment was resumed.

Roll call was demanded on the amendment.

Rule 8 was invoked.

On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 16.

Calhoun
Carden
Elthon
Fisch

Harrington
Hicklin
Hopkins
Husted

Leo
Moore
Nelson
Patterson

Ritchie
Topping
Wenner
Wilson

Nays, 34.

Anderson	Doze	McArthur	Schmidt
Aschenbrenner	Frailey	Meyer	Shangle
Baldwin	Geske	Miller of	Stanley
Beardsley	Hill	Buchanan	Stevens of
Beatty	Hush	Miller of Jones	Decatur
Bennett	Irwin	Mullaney	Stevens of
Booth	Kimberly	Pendray	Wapello
Byers	Klemme	Reese	Tripp
Chrystal	Knudson	Roelofs	Valentine
Coykendall			

Absent or not voting, none.

The amendment was lost.

Senator Nelson offered the following amendment and moved its adoption:

Amend by inserting after Section 86 the following:

Sec. 87. Local Option. Notwithstanding the authority by this act vested in the Commission, any county may prohibit the sale and/or distribution of alcoholic beverages by proceeding in the manner hereinafter provided.

Sec. 88. Referendum. The county board of supervisors shall, upon petitions signed by the qualified voters of such county, equal in number to fifteen per cent (15%) of the total votes cast in the county in the last general election, submit as provided by law to the voters of such county at the next regular election, the following questions:

"Shall the sale and/or distribution of alcoholic beverages as provided for in The Iowa Liquor Control Act be prohibited within the boundaries of County?"

Sec. 89. Local Option—Prohibition. If at such election a majority of the votes cast are in favor of the proposition submitted in the question, the sale and distribution of alcoholic beverages as provided for in the Iowa Liquor Control Act shall be prohibited within the boundaries of said county.

Sec. 90. Provided further that regardless of the outcome of said election, the question may be again submitted at any regular election not less than two years subsequent to prior submission of the question, upon re-petitioning of the qualified voters of the county equal in number to fifteen per cent (15%) of the total number of votes cast in the county at the last general election.

Further amend House File 292 by renumbering the remaining sections.

Senator Wilson was called to the chair at 2:35 p. m.

Senator Shangle offered the following amendments to the amendment and moved their adoption:

Amend section eighty-eight (88) line two (2) by inserting after the word "voters" the words "of each voting precinct".

Further amend section eighty-eight (88) line three (3) by inserting after the word "cast" the words "in such voting precinct".

President N. G. Kraschel returned to the chair at 2:50 p. m.

Senator Beardsley moved the previous question on the amendment to the amendment.

Roll call was demanded.

On the question, "Shall the amendment to the amendment be adopted?" the vote was:

Ayes, 17.

Anderson	Frailey	Miller of Jones	Stevens of
Aschenbrenner	Geske	Moore	Decatur
Baldwin	Irwin	Schmidt	Stevens of
Coykendall	Kimberly	Shangle	Wapello
Doze	Miller of		Valentine
	Buchanan		

Nays, 32.

Beardsley	Elthon	Knudson	Reese
Beatty	Fisch	Leo	Ritchie
Bennett	Harrington	McArthur	Roelofs
Booth	Hill	Meyer	Stanley
Byers	Hopkins	Mullaney	Topping
Calhoun	Hush	Nelson	Tripp
Carden	Husted	Patterson	Wenner
Chrystal	Klemme	Pendray	Wilson

Absent or not voting, 1.

Hicklin

The amendment to the amendment was lost.

Senator Hicklin as a substitute offered the following amendment and moved its adoption:

Amend by inserting as section 87 the following:

"Sec. 87. In exercising its discretion as to the establishment or maintenance of a liquor store or dispensing agency in any city or town in the state, the commission shall, insofar as is practicable, ascertain the prevailing opinion of the residents of such city or town and be governed thereby."

Senator Beatty raised the point of order that the substitute amendment was not pertinent.

Senator Nelson raised the point of order that the substitute amendment was not germane.

The President held the points of order not well taken.

Senator Hill moved the previous question on the substitution and the pending amendment.

The motion prevailed.

Senator Wilson moved that action be deferred until 2:00 p. m., Monday, February 19th.

The motion was lost.

Roll call was demanded on the substitution.

On the question, "Shall the substitution be made?" the vote was:

Ayes, 18.

Anderson	Harrington	Meyer	Schmidt
Aschenbrenner	Hicklin	Miller of Jones	Shangle
Baldwin	Irwin	Moore	Topping
Doze	Kimberly	Mullaney	Valentine
Geske	Knudson		

Nays, 30.

Beardsley	Elthon	Miller of	Stanley
Beatty	Fisch	Buchanan	Stevens of
Bennett	Hill	Nelson	Decatur
Booth	Hopkins	Patterson	Stevens of
Byers	Hush	Pendray	Wapello
Calhoun	Husted	Reese	Tripp
Carden	Klemme	Ritchie	Wenner
Chrystal	McArthur	Roelofs	Wilson
Coykendall			

Absent or not voting, 2.

Frailey Leo

The substitution was lost.

The question was on the pending Nelson amendment.

Senator Beardsley raised the point of order that the previous question had prevailed, and the Senator talking was out of order.

The President held that the Senator speaking was asking a question.

Senator Hopkins raised the point of order that the speaker was out of order.

The President held the point not well taken.

Roll call was demanded on the amendment.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 24.

Beardsley	Coykendall	Hopkins	Ritchie
Beatty	Elthon	Hush	Roelofs
Bennett	Fisch	Husted	Stanley
Booth	Harrington	McArthur	Tripp
Calhoun	Hicklin	Patterson	Wenner
Carden	Hill	Pendray	Wilson

Nays, 26.

Anderson	Irwin	Miller of	Schmidt
Aschenbrenner	Kimberly	Buchanan	Shangle
Baldwin	Klemme	Miller of Jones	Stevens of
Byers	Knudson	Moore	Decatur
Chrystal	Leo	Mullaney	Stevens of
Doze	Meyer	Nelson	Wapello
Frailey		Reese	Topping
Geske			Valentine

Absent or not voting, none.

The amendment was lost.

Senator Frailey moved that action on the bill be deferred until 2:00 p. m. Monday, February 19th.

The motion prevailed.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which the Nelson amendment to House File 292 failed to pass the Senate.

FRED W. NELSON.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 15, inviting Edward A. Hayes, National Commander of the American Legion, to address a joint convention of the House and Senate in the House Chamber at 11:30 o'clock A. M. February 19th.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE CONCURRENT RESOLUTION 15

Resolved by the House, the Senate concurring, That Edward A. Hayes, National Commander of the American Legion, who comes to Des Moines as a guest of the American Legion of this state to attend the Adjutant-Commanders' conference on February 19th be invited to address the members of the 45th General Assembly in Extra Session, in joint convention in the House Chamber at 11:30 o'clock A. M. February 19th.

That the President of the Senate and the Speaker of the House appoint a committee of five Service Men from the House and five Service Men

from the Senate to receive Edward A. Hayes, National Commander of the American Legion, and to welcome him to the joint session of the General Assembly of Iowa.

That a special invitation be extended to Leo J. Duster, State Commander of the American Legion, and that other state and district officers of the American Legion be invited to attend the address.

By unanimous consent, on request of Senator Hicklin, the rules were suspended and the resolution taken up and considered.

The resolution was adopted.

The journal of February 15th was corrected and approved.

AMENDMENTS FILED

Amend Senate File 103 by adding thereto as Section 2 the following:
"Sec. 2. Such revenue bonds shall be substantially in the following form, to-wit:

The City (or Town) of in the state of Iowa, for value received promises to pay to bearer, in the manner hereinafter specified, the sum of Dollars, lawful money of the United States of America, on the day of, with interest on said sum from until paid at the rate of per cent per annum, payable annually on the day of and in each year, on presentation and surrender of the interest coupons hereto attached; both principal and interest payable at

This bond is issued by the City (or Town) of, pursuant to the provisions of of the Code of Iowa and in conformity to a resolution of the (council or board of trustees of) of said city (or town), duly passed on the day of

This bond is one of a series of bonds of like tenor and date, numbered from to, is issued for the purpose of defraying the cost of; and is not a general obligation, but is payable solely and only out of the future earnings of said; said property purchased and the net earnings of are pledged to the payment hereof. This bond is not payable in any manner by taxation, and under no circumstances shall the city (or town) be in any manner liable by reason of the failure of the said net earnings to be sufficient for the payment hereof.

In testimony whereof said city (or town) by its council (or board of trustees) has caused this bond to be signed by its mayor and attested by its clerk (or by the chairman of said board of trustees and attested by the clerk of said board), with the seal of said city (or town or board of trustees) attached, this day of

Attest:

(Form of Coupon.)

The treasurer of the city (or town) of, Iowa, will pay to bearer out of the future earnings of

Dollars on, at for
 annual interest on its revenue bond, Number,
 dated

Attest:

(Facsimile signature.)

.....
 Clerk of the city (or town, or of the board of trustees).

(When such revenue bonds are offered for sale to the public, there shall be printed in bold face type across the face of the Bond the following provisions:

"This Bond is not a general obligation Bond or payable in any manner by taxation, but is payable only from the net earnings of the..... plant of, Iowa.')

GEO. A. WILSON.

Amend Senate File 103 by adding, just preceding the publication clause, the following section:

"Sec. . Such revenue bonds or other securities issued hereunder shall not be exempt from but shall be subject to taxation as moneys and credits, in the manner provided by law."

Renumber the remaining section of the bill. EDW. J. WENNER.

Amend House File 292 by striking out Section 2 thereof and inserting in lieu thereof the following:

"Sec. 2. Wherever any provisions of the existing laws are in conflict with the provisions of this Act, the provisions of this Act shall control."

GEO. A. WILSON.

G. W. PATTERSON

On motion of Senator Wilson, the Senate adjourned until 10:00 a. m. Saturday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 17, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Henry McCraven, pastor of the A. M. E. Church of Des Moines.

PETITIONS AND MEMORIALS

The following petition was presented and referred to the designated committee:

Favoring passage of old age pension bill. Senator Leo from citizens of Vinton. Judiciary No. 2.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled House File 17.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as president of the Senate, he had signed in the presence of the Senate, House File 17.

SENATOR KLEMME'S 85TH BIRTHDAY

Lieutenant Governor N. G. Kraschel: "The importance of this day is manifested by a very beautiful floral display. The chair at this time recognizes the Senator from Mahaska."

Senator Shangle spoke as follows:

MR. PRESIDENT AND MEMBERS OF THIS BODY: On the 17th day of February, 1849, there was born in Indiana a fair-haired gray-eyed child.

That fair-haired gray-eyed child is still with us, the Honorable Senator from Winneshiek, Wm. H. Klemme.

To give you some idea of the length of time that has elapsed since then, I will just state that when that happy event came to pass, James K. Polk was just passing out of his term as President, and William Henry Harrison coming on, and I would guess that Senator Klemme's name must be either William Henry or William Harrison, on account of that event. Clay and Webster and Calhoun were just passing off the stage of action. Stephen A Douglas, Charles Sumner, Abraham Lincoln were beginning to find their place in the public eye. The great gold rush to California occurred that same year, and if we could pass in review the many things that have happened of great moment in our State and Nation during that time, we would be surprised.

When Senator Klemme was born, the richest man read his newspaper by the light of a tallow dip, and had his breakfast cooked over an open fireplace.

This young man moved to Iowa as a boy of thirteen, and in 1870 he did what every wise man should do early in life—he took unto himself a wife, and that wife is still walking by his side, filling the duties of a loving wife, “a guardian angel over his life presiding, his pleasures doubling and his cares dividing.” And as I think of that long married life I can only call to mind a few lines from that poem, “John Anderson My Jo.”

“John Anderson, my jo, John,
 We clamb the hill thegither;
 And mony a canty day, John,
 We've had wi' ane anither.
 Now we maun totter down, John,
 But hand in hand we'll go:
 And sleep thegither at the foot,
 John Anderson, my jo.”

* * * *

“You are old, Father William,” the
 young man cried,
 “The few locks which are left you
 are gray;
 You are hale, Father William—a
 hearty old man:
 Now tell me the reason, I pray.”

And I imagine if there is anyone in this body, or anyone that we know that could successfully and properly tell us the story of the secret of a long and happy life, father Klemme would be that person. His life has been filled with successes; he has been a success financially, the Lord has greatly increased his store, he has been successful politically because his party has honored him time and again with honor and trust. But the greatest success of all in my mind, and the most enduring of all riches, is that kind regard and friendly feeling and veneration and respect that he enjoys in the hearts of all those whose pleasure it is to know him.

And now as his shadow is fast lenthening toward the east, I am sure I voice the sentiment of everyone here when I say it is the hope and prayer that the shadows are all behind him, and in front of him nothing but sunshine and pleasure.

And I will close with just this one paraphrase; it is old, but it is very appropriate:

“As a babe thou interest this world, weeping
while all around thee smiled,—
May thy life continue to be so gentle and so
mixed with good that when thou comest to
Leave it, thou mayest do so smiling while
all around thee weep.”

Senator Klemme responded as follows:

MR. PRESIDENT AND SENATORS: As I sat here listening to the Senator and his good and kind words about me, it almost melted my heart. I want to thank the Senator for those kind words, and I shall always remember him for this reason.

Mr. President and Senators, the older I get the more thankful I feel. There aren't very many who are honored by their people and kept in the Senate at the age of eighty-five. There aren't many who are honored as I am today.

As I look at these beautiful flowers, sent by my dear ones at home and friends in Des Moines, I am reminded that somebody is thinking of me. It gives me joy to think that I have lived as long as I have and still have friends left in this world. There is one thing that I feel thankful for, I am thankful to the Senators of the Extra Session of the Forty-fifth General Assembly for their kindness to me. I shall always remember them. I don't remember that I have been in a group that I have learned to love as I have the members of the Forty-fifth General Assembly. There are men here that I never saw before the first day's session, and still, their memory will be with me all the days of my life. All I want to say to the Senators here is that I want to thank them and I want to thank my friends, the family of Professor Hurd of Des Moines, for their kindness in choosing and presenting this bouquet, and their kindness to me. May joy and happiness follow them down to the setting sun.

Senator Klemme presented the Senate with a box of cigars in honor of his birthday.

Senator Wilson moved that the remarks of Senator Shangle and Senator Klemme be printed in the journal.

The motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 334, a bill for an act relating to establishing and financing of sewage and garbage works by cities and towns.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 335, a bill for an act to enable counties, school districts, cities and towns to secure the benefits of an Act of the Congress of the United States known as the National Industrial Recovery Act.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 169, a bill for an act to prohibit "marathon dances", "walkathons", "skatathons", or any endurance contest in the State of Iowa, and providing penalties for any person, firm or corporation participating in, attending, or promoting such contests.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 295, a bill for an act to provide for creation, maintenance, and administration of a police retirement and pension system and a fire retirement and pension system.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 299, a bill for an act to authorize the issuance of a patent to certain lots in Polk County, Iowa.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 233, a bill for an act to provide for the appointment of a conservator for a drainage district, and provisions thereof and also to define the meaning of the term "drainage district" for the purpose of this act.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENTS TO SENATE FILE 233

Amend section eight (8), line 21, by striking the "period" after the word "assessment" and adding the following:

"and provided further that the amount of the reassessment on a particular piece of land shall be in direct proportion to the amount of delinquent payments on said land and provided further that no assessment or expenses incidental thereto, for the payment of drainage bonds or improvement certificates under this act, shall be levied against any tract of land where the owner of said land had previously paid all of his assessment."

Amend section nine (9), line 21, by striking the "period" following the word "issued" and add the following:

"subject to the provisions of section eight (8)."

HOUSE MESSAGES CONSIDERED

House File 334, a bill for an act to amend chapter one hundred eleven (111) of the Acts of the Forty-fifth General Assembly of Iowa relating to establishing and financing of sewage and garbage works by cities and towns.

Read first and second times and referred to sifting committee.

House File 335, a bill for an act to enable counties, school districts, cities and towns to secure the benefits of an Act of Congress of the United States known as the National Industrial Recovery Act, as it now exists or as it may be amended, or any other law creating a Federal Agency to make grants or loans; to confer powers to make contracts, incur debts, borrow money, and issue bonds therefor; regulate the making of contracts, the issuance of such bonds, and the manner of payment thereof.

Read first and second times and referred to sifting committee.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hopkins, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled Senate Files 259, 257, 260, 263, 256, 266, 280, 223, 224, 206, and 255.

GEO. M. HOPKINS, *Member Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as president of the Senate, he had signed in the presence of the Senate, Senate Files 223, 224, 206, 255, 266, 259, 257, 260, 263, 256 and 280.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on the 13th day of February he had signed the following bills:

Senate File 168, an act requiring a preference for products and provisions grown and coal produced in Iowa:

Senate File 232, an act relating to the classification and reclassification of assessments in levee and drainage districts.

Senate File 285, to legalize the expenditure of the Board of Supervisors of Muscatine County, Iowa, from the County Insane Fund for maintenance of the County Home.

Senate File 113, an act relating to the probate powers of the Clerk of the District Court.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which the previous question was ordered on Senator Nelson's amendment to House File 292, providing for county option; such motion being found on page 1111 of the Senate Journal.

G. W. PATTERSON.

The journal of February 16th was corrected and approved.

AMENDMENT FILED

Amend House File 292, subsection 1 of section 10, as amended by committee amendment No. 18 by striking from line 4 the word and figure "five (5)" and inserting in lieu thereof the word and figure "two (2)".

M. MOORE.

On motion of Senator Schmidt, the Senate adjourned until 10:00 a. m. Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 19, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Father D. A. Gorman, pastor of the St. Patrick's Roman Catholic Church of Nevada.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Ritchie for the day, on request of Senator Beardsley.

PETITIONS AND MEMORIALS

The following petition was presented and referred to the designated committee:

Favoring tax on chain stores. Senator Miller of Jones from business men of Cedar and Jones counties. Sifting committee.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me, as Secretary of the Senate, a proof of publication from The Wyoming Journal, Wyoming, Iowa, and The Anamosa Journal, Anamosa, Iowa, relating to Senate File 311, a bill for the legalization of certain warrants issued by the Council of the Town of Wyoming, Jones County, Iowa.

BYRON G. ALLEN, *Secretary of the Senate.*

Senator Patterson moved that the Senate recess until the fall of the gavel.

The motion prevailed.

The Senate reconvened at the sound of the gavel.

APPOINTMENT OF COMMITTEE UNDER HOUSE CONCURRENT RESOLUTION 15

The President appointed Senators Stanley, Fisch, Bennett, Irwin and Roelofs, as provided by House Concurrent Resolution 15, to greet Hon. Edward A. Hayes, National Commander of the American Legion.

HOUSE AMENDMENTS CONSIDERED

Senator Schmidt called up for consideration Senate File 17, amended by the House, and moved that the Senate concur in the following amendments:

Amend section one (1) by adding as the third paragraph the following: "Section six (6), Chapter Ninety (90), is amended by inserting after the word "law" in line six (6) the words "he shall receive five cents (5c) per mile for that portion of the trip outside of the county."

Add as section two (2) the following:

"Sec. 2. This act being deemed of immediate importance, shall be in full force and effect from and after its passage and publication in the Cedar Falls Daily Record, a newspaper published at Cedar Falls, Iowa, and the Fort Dodge Messenger, a newspaper published at Fort Dodge, Iowa."

On the question "Shall the Senate concur?" the vote was:

Ayes, 37.

Aschenbrenner	Geske	Leo	Roelofs
Booth	Hicklin	Meyer	Schmidt
Byers	Hill	Miller of Buchanan	Shangle
Calhoun	Hopkins	Miller of Jones	Stevens of Decatur
Carden	Hush	Moore	Topping
Chrystal	Husted	Mullaney	Tripp
Doze	Irwin	Nelson	Wenner
Elthon	Kimberly	Patterson	Welson
Fisch	Klemme	Pendray	
Frailey	Knudson		

Nays, none.

Absent or not voting, 13.

Anderson	Bennett	Reese	Stevens of Wapello
Baldwin	Coykendall	Ritchie	Valentine
Beardsley	Harrington	Stanley	
Beatty	McArthur		

The House amendments having received a constitutional majority were declared to have been adopted and concurred in by the Senate.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 209, a bill for an act relating to the powers of the Board of Education in regard to inventions by students, instructors and officials.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 337, a bill for an act allowing co-operative associations unlimited time to reinstate and right of compromise in penalty.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 339, a bill for an act to empower the Secretary of State to verify annual reports of corporations and to determine that corporations are operating in compliance with law.

VIRGIL LEKIN, *Chief Clerk.*

THIRD READING OF BILLS

On motion of Senator Hopkins, Senate File 258, a bill for an act to make an appropriation to B. Agard, with report of appropriation committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Aschenbrenner	Fisch	Leo	Roelofs
Baldwin	Frailey	Meyer	Schmidt
Bennett	Geske	Miller of	Stevens of
Booth	Hicklin	Buchanan	Decatur
Byers	Hill	Miller of Jones	Stevens of
Calhoun	Hopkins	Moore	Wapello
Carden	Husted	Mullaney	Topping
Chrystal	Irwin	Nelson	Tripp
Doze	Kimberly	Patterson	Wenner
Elthon	Klemme	Pendray	Wilson

Nays, 1.

Shangle

Absent or not voting, 12.

Anderson	Coykendall	Knudson	Ritchie
Beardsley	Harrington	McArthur	Stanley
Beatty	Hush	Reese	Valentine

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hopkins, Senate File 261, a bill for an act

to make an appropriation to Lewis G. Rodman, administrator of the Estate of Alfred Franklin Rodman, deceased, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Aschenbrenner	Elthon	Knudson	Pendray
Baldwin	Fisch	Leo	Roelofs
Beardsley	Geske	Meyer	Schmidt
Bennett	Hicklin	Miller of	Stevens of
Booth	Hill	Buchanan	Decatur
Calhoun	Hopkins	Miller of Jones	Topping
Carden	Husted	Moore	Tripp
Chrystal	Irwin	Mullaney	Wenner
Coykendall	Kimberly	Nelson	Wilson
Doze	Klemme	Patterson	

Nays, 1.

Shangle

Absent or not voting, 12.

Anderson	Harrington	Reese	Stevens of
Beatty	Hush	Ritchie	Wapello
Byers	McArthur	Stanley	Valentine
Frailey			

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hopkins, House File 274, a bill for an act to make an appropriation to Ralph Almkuist, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Aschenbrenner	Byers	Coykendall	Frailey
Baldwin	Calhoun	Doze	Geske
Bennett	Carden	Elthon	Hicklin
Booth	Chrystal	Fisch	Hill

Hopkins	Meyer	Nelson	Stevens of
Husted	Miller of	Patterson	Decatur
Irwin	Buchanan	Pendray	Stevens of
Kimberly	Miller of Jones	Roelofs	Wapello
Klemme	Moore	Schmidt	Wenner
Knudson	Mullaney	Shangle	Wilson
Leo			

Nays, none.

Absent or not voting, 12.

Anderson	Harrington	Reese	Topping
Beardsley	Hush	Ritchie	Tripp
Beatty	McArthur	Stanley	Valentine

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hopkins, Senate File 279, a bill for an act to make an appropriation to D. F. Wolfe, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Aschenbrenner	Elthon	Knudson	Roelofs
Baldwin	Fisch	Leo	Schmidt
Beardsley	Frailey	Meyer	Stevens of
Bennett	Geske	Miller of	Decatur
Booth	Hicklin	Buchanan	Stevens of
Byers	Hill	Miller of Jones	Wapello
Calhoun	Hopkins	Moore	Topping
Carden	Husted	Mullaney	Tripp
Crystal	Irwin	Nelson	Wenner
Coykendall	Kimberly	Patterson	Wilson
Doze	Klemme	Pendray	

Nays, none.

Absent or not voting, 10.

Anderson	Hush	Ritchie	Stanley
Beatty	McArthur	Shangle	Valentine
Harrington	Reese		

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on request of Senator Mullaney, Senate File 86, a similar bill to the one just passed, was withdrawn.

On motion of Senator Hopkins, House File 310, a bill for an act to make an appropriation to Honorable Victor Felter, as trustee, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Knudson was called to the chair at 11:20 a. m.

Senator Beardsley moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Aschenbrenner	Fisch	Leo	Schmidt
Beardsley	Geske	Meyer	Stevens of
Bennett	Hicklin	Miller of	Decatur
Booth	Hill	Buchanan	Stevens of
Calhoun	Hopkins	Miller of Jones	Wapello
Carden	Husted	Moore	Topping
Chrystal	Irwin	Mullaney	Tripp
Coykendall	Kimberly	Patterson	Wenner
Doze	Klemme	Pendray	Wilson
Elthon	Knudson	Roelofs	

Nays, none.

Absent or not voting, 14.

Anderson	Frailey	Nelson	Shangle
Baldwin	Harrington	Reese	Stanley
Beatty	Hush	Ritchie	Valentine
Byers	McArthur		

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

President N. G. Kraschel returned to the chair at 11:25 a. m.

On motion of Senator Hopkins, House File 312, a bill for an act to make an appropriation to Mrs. E. A. Brigham and Milton W. Strickler, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Aschenbrenner	Frailey	Leo	Roelofs
Baldwin	Geske	Meyer	Schmidt
Beardsley	Hicklin	Miller of	Stevens of
Bennett	Hill	Buchanan	Decatur
Booth	Hopkins	Miller of Jones	Stevens of
Calhoun	Husted	Moore	Wapello
Carden	Irwin	Mullaney	Topping
Coykendall	Kimberly	Nelson	Tripp
Doze	Klemme	Patterson	Wenner
Elthon	Knudson	Pendray	Wilson
Fisch			

Nays, none.

Absent or not voting, 12.

Anderson	Chrystal	McArthur	Shangle
Beatty	Harrington	Reese	Stanley
Byers	Hush	Ritchie	Valentine

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

COMMITTEE FROM THE HOUSE

A committee from the House appeared in the Senate chamber and announced that the House was ready to receive the Senate in joint session.

The Senate proceeded to the House under direction of the Sergeant-at-arms.

JOINT SESSION

In accordance with the concurrent resolution duly adopted, the joint convention was called to order, Lieutenant Governor Kraschel, President of the Senate, presiding.

President Kraschel announced the presence of a quorum and the joint convention duly organized.

The following members of the joint committee appointed under provisions of House Concurrent Resolution No. 15 escorted Edward A. Hayes, National Commander of the American Legion to the Speaker's desk: Senators Stanley, Bennett, Fisch, Irwin and Roelofs on the part of the Senate; and Fabritz of Wapello, Doran of Boone, Johnson of Linn, Mitchell of Webster and Moore of Harrison on the part of the House.

President Kraschel introduced Edward A. Hayes, National Commander of the American Legion, who addressed the members of the joint convention:

ADDRESS BY EDWARD A. HAYES, NATIONAL COMMANDER OF
THE AMERICAN LEGION

MEMBERS OF THIS JOINT SESSION: At the outset may I express to you the gratitude of the National Organization of the American Legion for this privilege. May I record the impression which is in my mind because of what just happened just as I entered the door of this, your meeting place. Some of you may have noted that I shook hands with the gentleman who wears the blue and who stands at the door. Some of you may know, or may not know, that the home city of the present National Commander of the American Legion is the birthplace of the Grand Army of the Republic. Why do I record that thought? Because down deep in the minds of those of us who like to say that we feel we have reached maturity of mind, those of us who have had the privilege of service, there is coming the realization that upon the shoulders of those of us who served in the world war, the mantle of responsibility which has been on the shoulders of those like that distinguished gentleman who stands guard at your door will have been placed upon our shoulders.

As we go about this nation speaking extemporaneously as we are speaking here—whenever there is a representative of that particular organization present, it calls to my mind the fact that they have been dying at about the rate of fourteen hundred per month and that the fast fading line of blue will soon have passed on and if there is to be any responsibility assumed by any one representing the organization of the American Legion necessarily demand that that responsibility will fall upon them, but if so, why do we go around the country to speak extemporaneously as I am now speaking to emphasize this sort of opinion.

Let me philosophize in one sentence please. "It is not so much the insurrection of the ignorant we may fear in this country, it is the laziness of the intelligent." Men and women must think today. We have been going through the crucible in our beloved country. We have had this and that thought, but in the distorted mind itself the coming generation must forget about such things.

For instance the belief in God, for instance their teachings in some of the institutions that they better forget the sanctity of the marriage vow. Yes, I see within the range of my voice some members of the feminine sex. I say that there is a responsibility on all of us to be thinking these days to depend not upon that but to go down into the marrow of the facts and know what the truth is before we permit ourselves to judge or discuss which will undermine that country which was handed down to us by the Grand Army of the Republic. We believe in the Republic.

We have about 10,879 posts all over the country. True, some of the folks down East that used to have posts, say, "they are trying to take

money away from the government, before they get down to the marrow of the facts, and that is all they are interested in."

I will endeavor to tell you what I have just told the Governor of this state what the Legion was willing to do, as he will tell you and as I will tell you at this joint session. Anywhere, any place there is a post of the American Legion, that post is under instructions to uphold the hands of the authorities of the constitution within that county and state and by the same authorities within the nation.

We have told the world what we would do. These people have been disciplined at one time. They know it is the job of a soldier to carry out the instructions received whether he agrees with these instructions or not. Those of us who have had some months and years under discipline learned the first lesson of the service man "follow out your orders first and then raise the question next".

By the way, at one time it was said about the present national commander of the Legion that we wanted to get everybody into lockstep. Oh no, we are not trying to regiment we are trying to make people think these days. If we are to retain our views here on these plains in this splendid state, we know as Iowa, we better be getting some sort of unanimity of thought and action so we will be able to retain those things.

People have been designedly trying to get one set against the other. People have been designedly trying to induce the present generation to forget the responsibility of the principal thought of the coming generation. Just a few thoughts along that line so you will know that the American Legion is not that sort of playboy. Too many things that have been depicted are not what it is too often painted—a set of individuals who have forgotten God.

I ask in fairness as an American citizen that before you reach any sort of definite attitude toward the American Legion that you know what the facts are before you permit any condemnatory actions to be taken by any one. It is our job to try to get it and as much your job as American citizens to know the facts before you reach any conclusion.

It is not so much the insurrection of the ignorant as it is the laziness of the intelligent.

Senator Wenner moved that the remarks made by National Commander Edward A. Hayes be printed in both Senate and House Journals. Motion prevailed.

Malone of Cass moved that the joint convention be now dissolved. Motion prevailed.

The Senate returned to the Senate chamber and resumed regular session.

HOUSE MESSAGES CONSIDERED

House File 337, a bill for an act to amend sections eighty-four hundred eighty (8480), eighty-four hundred eighty a-six (8480-

A6), eighty-five hundred eight (8508) and eighty-five hundred eight a-six (8508-A6), Code, 1931, allowing co-operative associations unlimited time to re-instate and right of compromise in penalty.

Read first and second times and referred to sifting committee.

House File 339, a bill for an act to amend section eighty-four hundred forty (8440), Chapter three hundred eighty-eight (388), Code, 1931, to empower the Secretary of State to verify annual reports of corporations and to determine that corporations are operating in compliance with law.

Read first and second times and referred to sifting committee.

BILLS TO SIFTING COMMITTEE

Senator Booth moved that all bills introduced by committees be referred to the sifting committee.

The motion prevailed.

On motion of Senator Schmidt the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

THIRD READING OF BILLS

On motion of Senator Hopkins, Senate File 287, a bill for an act to make an appropriation to Elmer Williams, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 39.

Anderson	Calhoun	Fisch	Hill
Aschenbrenner	Carden	Frailley	Hopkins
Beardsley	Coykendall	Geske	Hush
Bennett	Doze	Harrington	Husted
Booth	Elthon	Hicklin	Irwin

Kimberly	Miller of	Patterson	Topping
Klemme	Buchanan	Pendray	Tripp
Knudson	Miller of Jones	Reese	Valentine
Leo	Moore	Stevens of	Wenner
Meyer	Mullaney	Decatur	Wilson
	Nelson		

Nays, 2.

Shangle	Stanley
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Absent or not voting, 9.

Baldwin	Chrystal	Roelofs	Stevens of
Beatty	McArthur	Schmidt	Wapello
Byers	Ritchie		

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hopkins, Senate File 288, a bill for an act to make an appropriation to Ben Terhark, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 39.

Anderson	Geske	Knudson	Reese
Aschenbrenner	Harrington	Meyer	Roelofs
Beardsley	Hicklin	Miller of	Shangle
Bennett	Hill	Buchanan	Stanley
Booth	Hopkins	Miller of Jones	Stevens of
Calhoun	Hush	Moore	Decatur
Carden	Husted	Mullaney	Topping
Doze	Irwin	Nelson	Tripp
Elthon	Kimberly	Patterson	Wenner
Fisch	Klemme	Pendray	Wilson
Frailey			

Nays, none.

Absent or not voting, 11.

Baldwin	Chrystal	McArthur	Stevens of
Beatty	Coykendall	Ritchie	Wapello
Byers	Leo	Schmidt	Valentine

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hopkins, Senate File 289, a bill for an act to make an appropriation to Staley Sales Corporation, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Anderson	Frailey	Knudson	Pendray
Aschenbrenner	Geske	Leo	Reese
Baldwin	Harrington	Meyer	Schmidt
Beardsley	Hicklin	Miller of	Stanley
Bennett	Hill	Buchanan	Stevens of
Booth	Hopkins	Miller of Jones	Decatur
Calhoun	Hush	Moore	Topping
Carden	Husted	Mullaney	Tripp
Elthon	Kimberly	Nelson	Wenner
Fisch	Klemme	Patterson	

Nays, 1.

Shangle

Absent or not voting, 12.

Beatty	Doze	Roelofs	Valentine
Byers	Irwin	Stevens of	Wilson
Chrystal	McArthur	Wapello	
Coykendall	Ritchie		

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hopkins, Senate File 290, a bill for an act to make an appropriation to O. D. Scholl, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 44.

Anderson	Bennett	Doze	Geske
Aschenbrenner	Booth	Elthon	Harrington
Baldwin	Calhoun	Fisch	Hicklin
Beardsley	Carden	Frailey	Hill

Hopkins	Meyer	Pendray	Stevens of
Hush	Miller of	Reese	Wapello
Husted	Buchanan	Roelofs	Topping
Irwin	Miller of Jones	Schmidt	Tripp
Kimberly	Moore	Shangle	Valentine
Klemme	Mullaney	Stanley	Wenner
Knudson	Nelson	Stevens of	Wilson
Leo	Patterson	Decatur	

Nays, none.

Absent or not voting, 6.

Beatty	Chrystal	McArthur	Ritchie
Byers	Coykendall		

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

HOUSE FILE 292 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate except Senator Ritchie.

Senator Frailey moved that Senator Ritchie be excused from the call for the day.

The motion prevailed and the call was declared complete.

The bill was read for information.

Senator Frailey offered the following amendment and moved its adoption:

Amend Section 47 by adding after the word "liquor" in line 3 thereof the following: ", except as otherwise provided in this Act,"; also by inserting after the word "commission," in line 7 thereof the following: "except as otherwise provided in this Act,"; also by changing the period to a comma in line 13 thereof and adding the following: "and except as otherwise provided in this Act."

The amendment was adopted.

Senator Frailey offered the following amendment and moved its adoption:

Amend the title as amended by committee amendment No. 1 by adding after the figures "(37)" in both places where they appear the following: "and Chapter Thirty-eight (38)".

The amendment was adopted.

Senators Frailey and Wilson offered the following amendment and moved its adoption:

Amend by striking Section 2 thereof as amended and inserting in lieu the following:

"Sec. 2. Wherever any provisions of the existing laws are in conflict with the provisions of this Act, the provisions of this Act shall control and supersede all such existing laws, provided, however that the repeal of any Chapters of the Code or sections thereof shall in no manner repeal or affect Chapter Thirty-seven (37) and Chapter Thirty-eight (38) of the Laws of the Forty-fifth (45th) General Assembly, it being the intent of this Act that the said Chapter Thirty-seven (37) and Chapter Thirty-eight (38) of the Laws of the Forty-fifth (45th) General Assembly shall remain in full force and effect as enacted or as hereafter amended."

By unanimous consent, on request of Senator Wilson, his amendment to Section 2, as filed on page 1115 of the Senate journal, was withdrawn from further consideration.

The pending amendment was adopted.

Senator Frailey offered the following amendment and moved its adoption:

Amend Section 19, subsection (1), by inserting after the word "medicinally" in line 32 thereof the word "or".

The amendment was adopted.

Senator Frailey offered the following amendment and moved its adoption:

Amend Section 33 as amended by amendment No. 9 by inserting before "It" in line 1 thereof the following: "Except as otherwise provided," and by changing the capital "I" to a small "i" in the word "It"; also by striking from line 5 thereof the following: "except as otherwise provided".

The amendment was adopted.

Senator Frailey offered the following amendment and moved its adoption:

Amend Section 47 by inserting after the word "thirty-seven" in line 12 thereof the following: "and Chapter thirty-eight".

The amendment was adopted.

Senator Frailey offered the following amendments and moved their adoption:

Amend section 10, subsection (1) by inserting after the word "In" in line 1 thereof the following: "cities and"; also amend subsection (1) of said section as amended by the Frailey amendment by inserting after the word "such" the words "city or".

The amendments were adopted.

Senator Frailey offered the following amendment and moved its adoption:

Amend section 4, subsection 19 by inserting after the word "such" in line 74 the following: "cities and".

The amendment was adopted.

Senator Baldwin offered the following amendments and moved their adoption:

Amend Section 19, line 34, by inserting after the word "hospital" the following: ", college".

Further amend by adding after the word "medicinal" in line 37, the following: ", laboratory and scientific".

The amendments were adopted.

Senator Baldwin offered the following amendments and moved their adoption:

Amend Section 19, by striking subsection (c).

Also, insert after Section 25 the following:

"Section 26. Nothing in this act shall affect the purchase or use of sacramental wines to be used exclusively for sacramental purposes."

The amendments were adopted.

Senator Wilson was called to the chair at 2:28 p. m.

Senator Valentine offered the following amendment and moved its adoption:

Amend section 28-a as amended by the supplemental committee amendment No. 14 by inserting after the word "supplying" in the next to the last line thereof, the following: "the Commission and".

The amendment was adopted.

Senator Valentine offered the following amendment and moved its adoption:

Amend Section 19, line 30 by striking the word "or" following the word "Stores" and by inserting a comma in lieu thereof, and by inserting after the word "distributors" the following: ", or licensed wholesalers".

Senator Klemme moved the previous question, which motion prevailed.

The amendment was lost.

Senator Moore offered the following amendment and moved its adoption:

Amend subsection 1 of section 10, as amended by committee amendment

No. 18 by striking from line 4 the word and figure "five (5)" and inserting in lieu thereof the word and figure "two (2)".

The amendment was adopted.

President N. G. Kraschel returned to the chair at 2:55 p. m.

Senator Tripp offered the following amendment and moved its adoption:

Amend by inserting as Section 85 the following:

"Sec. 85. Board of Research. There is hereby created a board of Research, Statistics and Temperance Education, hereafter designated and referred to as the "Board of Research." The Board of Research shall consist of five members, one of whom shall be the Superintendent of Public Instruction of the State of Iowa. The other four members shall be appointed by the Governor from the presidents of the universities and colleges located in the State of Iowa, by and with the consent of two-thirds of the Senate in executive session, and shall serve, two for a term expiring July 1, 1937, and two for a term expiring July 1, 1939. Said terms shall begin immediately upon appointment, approval and qualification, and shall continue until their successors are appointed, approved and qualified. Thereafter the term of each member of said Board of Research shall be six years. The Governor shall, within sixty days following the organization of each regular session of the General Assembly, appoint, with the approval of two-thirds of the members of the Senate in executive session successors to the members of said Board of Research whose terms of office expire on July first, next following. Any vacancy or vacancies on said Board of Research which occur when the General Assembly is not in session, shall be filled by appointment by the Governor, which appointment shall expire at the end of thirty days following the organization of the next General Assembly. Prior to the expiration of said period of thirty days the Governor shall transmit to the Senate for its approval an appointment for the unexpired portion of the regular term. Any vacancy or vacancies occurring when the General Assembly is in session shall be filled in the same manner as regular appointments are made, before the end of such session, and for the unexpired portion of the regular term.

"(a) The Board of Research is hereby authorized and empowered to employ a secretary at a salary not to exceed the sum of twenty-four hundred dollars per annum (\$2400.00), and is further authorized to employ such other employees as they deem necessary.

"(b) The Board of Research shall make an annual report to the Governor of the State, ending with June 30th of each year, showing fully its activities and program covering the period since its last previous report. Such annual report shall show in detail the receipts and disbursements of the funds received from the Iowa Liquor Control Commission, and shall further give any and all information required by the Governor that will enable the people of Iowa to judge the effect of such activities and program of the Board of Research.

"(c) The Board of Research shall conduct and provide a program

for temperance education, which educational program shall be dealt with from the economic, moral, and scientific sides, and shall include the latest scientific facts and findings as to the effect of alcohol on the human body. Such temperance educational program shall be supplied free of charge to, and taught by the public schools, state colleges and universities, and any and all other publicly owned institutions.

"(d) Said program shall also be supplied gratuitously to schools, colleges and universities not owned by the state that sign contracts with the Board of Research to teach such information in their curricula.

"(e) The Board of Research is hereby authorized to use all mediums available for the dissemination of such temperance information, including magazines, newspapers (published in Iowa), radio broadcasting, moving picture theatres and bill boards.

"(f) The Iowa Liquor Control Commission shall place at the disposal of the Board of Research sufficient funds, not to exceed the sum of twenty-five thousand dollars (\$25000.00) per annum, from the profits derived under this Act, for the purpose of carrying out the work outlined for the Board of Research and its program.

"(g) Members of the Board of Research shall serve without compensation, but shall be entitled to receive reimbursement for expense actually incurred in the discharge of their duties."

Senator Frailey, as a substitute, offered the following amendment and moved its adoption:

"Sec. —. A board of research, statistics, and temperance education is hereby created. The board shall consist of five (5) members, one of whom shall be the Secretary of the Iowa Liquor Control Commission. The other four members shall be appointed by the Governor with the approval of two-thirds of the Senate.

"Not more than three members of said board shall belong to the same political party.

"The board of research, statistics, and temperance education shall prepare an annual report and financial statement of the activities of the commission.

"The report shall include the actual figures, revealing the total amount of liquor sold during the year, the increase or decrease in liquor sales, arrests for drunkenness, and any and all other information that will enable the people of Iowa to judge the effect of State Liquor Control.

"The board of research, statistics and temperance education shall conduct temperance education based on the latest scientific findings as to the effect of alcohol on the human body. The subject shall be dealt with on the economic, moral, and scientific side.

"This information shall be supplied free of charge to and taught by the public schools, state colleges and universities, and any and all other publicly owned institutions.

"It shall also be supplied gratuitously to schools, colleges, and universities not owned by the state that sign contracts with the commission to teach such information in their curricula.

"The board is hereby authorized to use all mediums available for the

dissemination of such temperance information including magazines, newspapers (published in Iowa), radio broadcasting, moving picture theatres and bill boards.

"The Iowa Liquor Control Commission shall place at the disposal of the board of research, statistics, and temperance education sufficient funds from the profits derived under this Act to carry out the work outlined in this Act including an efficient educational campaign. Members of the board of research, statistics, and temperance education, with the exception of the Secretary of the Iowa Liquor Control Commission, shall serve without compensation but shall be entitled to receive reimbursement for expenses actually incurred in the discharge of their duties. The Secretary of the Iowa Liquor Control Commission shall receive no compensation as a member of the board of research, statistics, and temperance education but such duties as he may be required to perform as a member of such board shall be in addition to his duties as Secretary of the Iowa Liquor Control Commission."

Roll call was demanded.

On the question "Shall the substitution be made?" the vote was:

Ayes, 12.

Anderson	Chrystal	Kimberly	Reese
Baldwin	Frailey	Moore	Schmidt
Byers	Hicklin	Mullaney	Shangle

Nays, 37.

Aschenbrenner	Fisch	Leo	Stanley
Beardsley	Geske	McArthur	Stevens of
Beatty	Harrington	Meyer	Decatur
Bennett	Hill	Miller of	Stevens of
Booth	Hopkins	Buchanan	Wapello
Calhoun	Hush	Miller of Jones	Topping
Carden	Husted	Nelson	Tripp
Coykendall	Irwin	Patterson	Valentine
Doze	Klemme	Pendray	Wenner
Elthon	Knudson	Roelofs	Wilson

Absent or not voting, 1.

Ritchie

The substitution was lost.

Roll call was demanded on the pending Tripp amendment.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 17.

Beatty	Elthon	Nelson	Stevens of
Booth	Hush	Roelofs	Wapello
Carden	Klemme	Shangle	Tripp
Coykendall	Knudson	Stanley	Wenner
Doze	McArthur		

Nays, 32.

Anderson	Frailey	Leo	Pendray
Aschenbrenner	Geske	Meyer	Reese
Baldwin	Harrington	Miller of	Schmidt
Beardsley	Hicklin	Buchanan	Stevens of
Bennett	Hill	Miller of Jones	Decatur
Byers	Hopkins	Moore	Topping
Calhoun	Husted	Mullaney	Valentine
Chrystal	Irwin	Patterson	Wilson
Fisch	Kimberly		

Absent or not voting, 1.

Ritchie

The amendment was lost.

Senator Frailey offered the following amendment and moved its adoption:

Amend section 47, line 5 by striking the words "brewery or"; also by striking from line 10 the words "breweries or".

The amendments were adopted.

Senator Nelson called up for consideration the following motion, filed on page 1113 of the Senate journal, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which the Nelson amendment to House File 292 failed to pass the Senate.

Roll call was demanded.

On the question "Shall the motion to reconsider prevail?" the vote was:

Ayes, 23.

Aschenbrenner	Doze	Hush	Roelofs
Beardsley	Elthon	Husted	Stanley
Beatty	Fisch	Klemme	Tripp
Bennett	Harrington	McArthur	Wenner
Calhoun	Hill	Nelson	Wilson
Carden	Hopkins	Pendray	

Nays, 26.

Anderson	Hicklin	Miller of	Schmidt
Baldwin	Irwin	Buchanan	Shangle
Booth	Kimberly	Miller of Jones	Stevens of
Byers	Knudson	Moore	Decatur
Chrystal	Leo	Mullaney	Stevens of
Coykendall	Meyer	Patterson	Wapello
Frailey		Reese	Topping
Geske			Valentine

Absent or not voting, 1.

Ritchie

The motion to reconsider lost.

Senator Husted offered the following amendment and moved its adoption:

Amend by striking section 10.

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 20.

Aschenbrenner	Calhoun	Hopkins	Nelson
Beardsley	Carden	Hush	Patterson
Beatty	Coykendall	Husted	Pendray
Bennett	Elthon	Knudson	Stanley
Booth	Hill	McArthur	Wilson

Nays, 29.

Anderson	Harrington	Miller of Jones	Stevens of
Baldwin	Hicklin	Moore	Decatur
Byers	Irwin	Mullaney	Stevens of
Chrystal	Kimberly	Reese	Wapello
Doze	Klemme	Roelofs	Topping
Fisch	Leo	Schmidt	Tripp
Frailey	Meyer	Shangle	Valentine
Geske	Miller of Buchanan		Wenner

Absent or not voting, 1.

Ritchie

The amendment was lost.

Senator Frailey offered the following amendment and moved its adoption:

Amend by renumbering all sections and subsections to conform with the amendments adopted.

The amendment was adopted.

Senator Valentine moved the previous question, which motion prevailed.

Senator Frailey moved that the reading previously had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 29.

Anderson	Chrystal	Harrington	Kimberly
Baldwin	Fisch	Hicklin	Knudson
Bennett	Frailey	Hill	Leo
Byers	Geske	Irwin	Meyer

Miller of Buchanan	Mullaney Reese	Shangle Stevens of	Topping Valentine
Miller of Jones	Roelofs	Decatur	Wilson
Moore	Schmidt	Stevens of Wapello	

Nays, 20.

Aschenbrenner	Carden	Hush	Patterson
Beardsley	Coykendall	Husted	Pendray
Beatty	Doze	Klemme	Stanley
Booth	Elthon	McArthur	Tripp
Calhoun	Hopkins	Nelson	Wenner

Absent or not voting, 1.

Ritchie

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

COPIES HOUSE FILE 292 ORDERED

By unanimous consent, on request of Senator Frailey, 1,200 copies of House File 292 as passed by the Senate were ordered printed.

The journal of February 17th was corrected and approved.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, Senate Files 169 and 299.

HOMER HUSH, *Chairman Senate Committee.*
WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate Files 169 and 299.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 19th day of February, 1934, sent to the Governor for his approval, Senate Files 169 and 299. HOMER HUSH, *Chairman.*

Passed on file.

Senator Hopkins from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 19th day of February, 1934, sent to the Governor for his approval: Senate Files 223, 224, 206, 255, 259, 257, 260, 263, 256, 266 and 280.

GEO. M. HOPKINS, *Senate Member*.

Passed on file.

AMENDMENTS FILED

Amend Senate File 298 by striking from Section one (1), lines six (6) and seven (7), the following: "there may be, and in cities having a population of thirty-five thousand or over", and substitute therefor the following: "the mayor may appoint, in cities under sixty thousand population, one or more women over thirty years of age, residents of the city, as police matrons, and in cities over sixty thousand population".

Further amend by striking Section two (2) and by substituting therefor the following:

"Sec. 2. That section five thousand six hundred ninety-four (5694), Code 1931, be and the same is hereby amended by striking the word 'matrons' in line thirty-four (34) thereof, and by inserting in lieu of the word stricken the following: 'Matrons in cities having a population under sixty thousand'."

EDW. J. WENNER.

Amend House File 335, Section 2, subsection b, by placing a period (.) after the word "character" in line 11 and by striking the words "which is not a duplication of efficient existing similar facilities."

GARRITT E. ROELOFS.

On motion of Senator Klemme the Senate adjourned until 10:00 a. m. Tuesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 20, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. C. L. Young, pastor of the St. Andrews United Brethren Church of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring tax on chain stores, Senator Byers from business men of Linn county; Senator Nelson from business men of Ogden. Sifting committee.

Favoring passage of old age pension bill. Senator Wilson from citizens of Des Moines; Senator Husted from citizens of Winter-set; Senator Byers from Marion and Linn counties. Judiciary No. 2.

SENATE FILE 247 WITHDRAWN

By unanimous consent, on request of Senator Stanley, Senate File 247, relating to military affairs, was withdrawn from further consideration.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: House Files 209, 274, 310, and 312.

HOMER HUSH, *Chairman Senate Committee.*
WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of

the Senate, he had signed in the presence of the Senate, House Files 209, 274, 310 and 312.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 162, a bill for an act providing for the non-partisan nomination and election of judges of the supreme and district courts of the state of Iowa.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 324, a bill for an act relating to the taxation of bank stock.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 338, a bill for an act to authorize the Secretary of State to compromise certain statutory penalties imposed upon distressed corporations.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 342, a bill for an act making an appropriation to reimburse the city of Iowa City, Iowa, for expenditures made in paving streets in front of state owned property.

VIRGIL LEKIN, *Chief Clerk.*

SPECIAL ORDER SENATE FILE 42 CONSIDERED

On motion of Senator Frailey, Senate File 42, a bill for an act to provide for the protection, welfare and assistance of aged persons in need and resident in the State of Iowa, providing the method therefor, making an appropriation therefor and prescribing penalties for the violation of the provisions of this act, with reports of appropriations and judiciary No. 2 committees recommending passage, was taken up, considered, and the reports of the committees adopted.

The bill was read for information.

Senator Wilson offered the following amendment and moved its adoption:

Amend section 12, by striking from line 4 the words "the year" and inserting in lieu thereof the words "two years".

The amendment was adopted.

Senator Shangle offered the following amendment and moved its adoption:

Amend Section Twelve (12) as follows:

Strike Sections (a), (b), (c), (d), (e), (f), (g) and (h) and insert in lieu the following:

“(a) Every legal resident of the State of Iowa and of the County of his domicile who by reason of the infirmities of age, not increased by his own vicious and immoral conduct, is unable to provide for his own reasonable care and support;

“(b) Has no child, grandchild or other person liable under the laws of this State or found by the Board or by the Commission able to support him without manual labor;

“(c) Has not for one year or more wilfully or without proper cause violated or neglected to observe his legal obligations for the support of his wife and/or children under 15 years of age;

“(d) Is not at the date of making application, or does not at any time later, become an inmate of any prison, jail, workhouse, insane asylum or any other public reform or correctional institution or a recipient of aid from any such public institutions named in this subsection.”.

President pro tempore Harold L. Irwin was called to the chair at 11:00 a. m.

By unanimous consent, on request of Senator Shangle, his amendment was withdrawn.

Senators Frailey and Wilson offered the following amendment and moved its adoption:

Amend by striking section 13 and inserting in lieu thereof the following:

“Sec. 13. No person shall be allowed assistance if the claimant has deprived himself, directly or indirectly, of any property for the purpose of qualifying for old age relief.”

Senator Wenner moved to defer action on the amendment temporarily.

The motion prevailed.

Senator Booth offered the following amendment and moved its adoption:

Amend section 36 by inserting after the word “amount” in line 14 the words “of such state fund”.

The amendment was adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend section 15 by striking from lines 6 to 9 inclusive the following

clause: "and deducted from the estate by the court having jurisdiction to settle the estate, and pay one-half" and substituting in lieu thereof the following: "as a claim of the second class against the estate of such decedent, and the homestead or proceeds therefrom of such decedent or his survivor, shall not be exempt from the payment of said claim, any act or statute to the contrary notwithstanding. One-half the proceeds of such claim shall be paid".

Action was deferred temporarily.

On motion of Senator Shangle, the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel, President pro tempore Harold L. Irwin presiding.

SENATE FILE 42 RESUMED

Senator Frailey called up for consideration his amendment upon which action was temporarily deferred this morning, and moved its adoption.

The amendment was adopted.

Senator Hicklin called up for consideration his amendment, upon which action was deferred before the noon recess, and moved its adoption.

The amendment was adopted.

Senator Wenner offered the following amendment and moved its adoption:

Amend by adding after the period (.) in line ten (10) of Section two (2), the following: "As the term of a commissioner expires, the Governor shall appoint a successor for a term of four years. All such appointments shall be with the approval of two-thirds of the membership of the Senate in executive session."

Senator Booth moved to amend the amendment by inserting a comma after the word "Senate" in line 6.

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Topping offered the following amendment and moved its adoption:

Amend section 10, line 7, by striking the word "Forty" and inserting in lieu thereof the word "Thirty".

The amendment was adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend section 16 by inserting at the commencement of said section the following sentence: "In any event, the assistance furnished under this Act shall be and constitute a lien on any real estate owned either by the husband or wife for assistance furnished to either of such persons. Whenever an order is made for such assistance to any person in whom or in whose spouse the title to any real estate is vested, a copy of such order shall be indexed and recorded in the manner provided for the indexing of real estate mortgages in the office of the County Recorder where the real estate is situated, and such recording and indexing shall constitute notice of such lien."

The amendment was adopted.

Senator Miller of Buchanan offered the following amendment and moved its adoption:

Amend section fifteen (15), by adding after the period in line eleven (11), the following:

"In case of the death of either husband or wife, both of whom have been receiving assistance under this act, the estate of deceased shall not be settled or the homestead sold until the surviving spouse shall die or cease to occupy the homestead as such."

The amendment was adopted.

Senator Stanley offered the following amendments and moved their adoption:

Amend section 16 by striking from lines 4 and 5 the words "a certificate that" and inserting in lieu thereof the words "the absolute conveyance of"; also by striking from line 6 the words "be transferred".

The amendments were adopted.

Senator Wilson offered the following amendment and moved its adoption:

Amend by inserting after line 15 of section 16 the following:

"Upon the death of the applicant, the property shall be disposed of and one-half of the proceeds shall be transferred to the general fund of the state and one-half to the general fund of the county of the residence of the applicant."

The amendment was adopted.

Senator Frailey offered the following amendment and moved its adoption:

Amend section 16 by striking from line 20 the word "section" and inserting in lieu thereof the word "act".

The amendment was adopted.

Senator Moore offered the following amendment and moved its adoption:

Amend section 12, paragraph (d), subsection (1), line 16, by striking the words, "the total of"; also, by inserting in line seventeen after the word eighteen the word, "consecutive".

The amendment was adopted.

Senator Wilson offered the following amendment and moved its adoption:

Amend section 12 by striking from line 13 the word "five" and inserting in lieu thereof the word "ten".

The amendment was adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend by substituting a comma for the period at the end of section 27 and adding the following: "and hospitalization."

The amendment was adopted.

Senator Wenner offered the following amendment and moved its adoption:

Amend section 12 by striking from line 6 the word "sixty-five" and inserting in lieu thereof the word "seventy".

The amendment was lost.

Senator Wenner offered the following amendment and moved its adoption:

Amend section 12, by striking from line 9 the word "ten" and inserting in lieu thereof the word "fifteen".

The amendment was adopted.

Senator Wilson offered the following amendments and moved their adoption:

Amend section 5 by striking from lines 3 and 4 the words "county superintendent" and inserting in lieu thereof the word "overseer"; also by inserting before the word "ex-officio" in line 4 the word "an".

The amendments were adopted.

Senator Frailey offered the following amendments and moved their adoption:

Amend section 34, lines 3 and 8, by striking therefrom the word "article" and inserting in lieu thereof the word "act".

The amendments were adopted.

Senator Stevens of Wapello offered the following amendments and moved their adoption:

Amend section 6, by inserting the word "traveling" between the words "necessary" and "expenses" in line 6.

Also amend said section 6 by striking all after the word "duties" in line 8 and placing a period after the word "duties".

The amendments were adopted.

Senator Frailey offered the following amendment and moved its adoption:

Amend section 12 by striking from line 7 the words "or upwards".

The amendment was adopted.

Senator Beatty offered the following amendment and moved its adoption:

Amend section 15 by striking from line 6 the word "three" and inserting in lieu thereof the word "six".

The amendment was adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend section 12 by adding another subsection as follows:

"(i) Is found by the commission to be unable regularly to earn an income of at least one dollar per day, on account of age, infirmity or inability to procure suitable employment."

The amendment was adopted.

Senator Shangle moved to defer action on Senate File 42 until 10:00 a. m. Wednesday.

The motion prevailed.

Senator Schmidt asked unanimous consent to have Senate File 68 made a special order of business immediately after consideration of House File 185.

Objection was raised.

CONFERENCE COMMITTEE REPORT ON HOUSE FILE 97 CONSIDERED

Senator Miller of Buchanan called up for consideration the conference committee report on House File 97, as filed and shown

on page 1086 of the Senate journal, and moved that the Senate adopt the report and concur in the amendments therein proposed.

On the question "Shall the report be adopted and the amendments proposed therein concurred in?" the vote was:

Ayes, 43.

Anderson	Frailey	Leo	Schmidt
Aschenbrenner	Geske	Meyer	Shangle
Beardsley	Harrington	Miller of	Stanley
Beatty	Hicklin	Buchanan	Stevens of
Bennett	Hill	Miller of Jones	Decatur
Booth	Hopkins	Moore	Stevens of
Byers	Hush	Mullaney	Wapello
Calhoun	Husted	Nelson	Topping
Carden	Irwin	Patterson	Tripp
Chrystal	Kimberly	Pendray	Valentine
Coykendall	Klemme	Roelofs	Wenner
Elthon	Knudson		

Nays, none.

Absent or not voting, 7.

Baldwin	Fisch	Reese	Wilson
Doze	McArthur	Ritchie	

The report was adopted and the amendments therein proposed were concurred in.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Leo, House File 328, a bill for an act to make an emergency appropriation to the Iowa State Board of Education for the purpose of providing a water system, including a water softener, and for fire-proofing the roof and remodeling the attic of the main building at the Iowa School for the Blind, Vinton, Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

President N. G. Kraschel returned to the chair at 3:12 p. m.

Senator Leo moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 42.

Anderson	Bennett	Calhoun	Coykendall
Aschenbrenner	Booth	Carden	Doze
Beardsley	Byers	Chrystal	Elthon

Frailey	Kimberly	Moore	Stevens of
Geske	Klemme	Mullaney	Decatur
Harrington	Knudson	Nelson	Stevens of
Hicklin	Leo	Patterson	Wapello
Hill	Meyer	Pendray	Topping
Hopkins	Miller of	Roelofs	Valentine
Hush	Buchanan	Schmidt	Wenner
Husted	Miller of Jones	Stanley	Wilson
Irwin			

Nays, none.

Absent or not voting, 8.

Baldwin	Fisch	Reese	Shangle
Beatty	McArthur	Ritchie	Tripp

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Hopkins, Senate File 291, a bill for an act to make an appropriation to Roscoe W. Wilson, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 39.

Anderson	Elthon	Klemme	Patterson
Aschenbrenner	Frailey	Knudson	Roelofs
Beardsley	Geske	Leo	Stanley
Beatty	Harrington	Meyer	Stevens of
Bennett	Hicklin	Miller of	Decatur
Booth	Hill	Buchanan	Stevens of
Byers	Hopkins	Miller of Jones	Wapello
Calhoun	Hush	Moore	Topping
Chrystal	Husted	Mullaney	Valentine
Coykendall	Irwin	Nelson	Wilson
Doze	Kimberly		

Nays, none.

Absent or not voting, 11.

Baldwin	McArthur	Ritchie	Tripp
Carden	Pendray	Schmidt	Wenner
Fisch	Reese	Shangle	

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Hopkins, Senate

File 292, a bill for an act to make an appropriation to Mrs. Olina Waltz of Mason City, Iowa, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Elthon moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Anderson	Doze	Kimberly	Nelson
Aschenbrenner	Elthon	Klemme	Schmidt
Beardsley	Frailey	Knudson	Stanley
Beatty	Harrington	Leo	Stevens of
Bennett	Hicklin	Meyer	Decatur
Booth	Hill	Miller of	Stevens of
Byers	Hopkins	Buchanan	Wapello
Calhoun	Hush	Miller of Jones	Topping
Carden	Husted	Moore	Wenner
Chrystal	Irwin	Mullaney	Wilson
Coykendall			

Nays, 1.

Shangle

Absent or not voting, 11.

Baldwin	McArthur	Reese	Tripp
Fisch	Patterson	Ritchie	Valentine
Geske	Pendray	Roelofs	

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Hopkins, Senate File 303, a bill for an act to make an appropriation to Lyon County, Iowa, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hopkins offered the following amendment and moved its adoption:

Amend section 1 by striking from line 14 the word "were" and inserting in lieu thereof the word "is".

The amendment was adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 39.

Anderson	Elthon	Leo	Schmidt
Aschenbrenner	Frailey	Meyer	Shangle
Baldwin	Geske	Miller of	Stanley
Beatty	Harrington	Buchanan	Stevens of
Bennett	Hicklin	Miller of Jones	Decatur
Byers	Hill	Mullaney	Stevens of
Calhoun	Hopkins	Nelson	Wapello
Carden	Husted	Patterson	Topping
Chrystal	Irwin	Pendray	Wenner
Coykendall	Kimberly	Roelofs	Wilson
Doze	Knudson		

Nays, 2.

Booth	Klemme
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Absent or not voting, 9.

Beardsley	McArthur	Reese	Tripp
Fisch	Moore	Ritchie	Valentine
Hush			

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Hopkins, Senate File 304, a bill for an act to make an appropriation to Inter City Bus Line, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adoted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 39.

Anderson	Doze	Leo	Roelofs
Aschenbrenner	Elthon	Meyer	Schmidt
Baldwin	Frailey	Miller of	Stanley
Beardsley	Geske	Buchanan	Stevens of
Beatty	Hicklin	Miller of Jones	Decatur
Bennett	Hill	Moore	Stevens of
Booth	Hopkins	Mullaney	Wapello
Byers	Hush	Nelson	Topping
Calhoun	Husted	Patterson	Wenner
Carden	Kimberly	Pendray	Wilson
Chrystal	Knudson		

Nays, 5.

Coykendall	Klemme	Shangle	Valentine
Harrington			

Absent or not voting, 6.

Fisch	McArthur	Ritchie	Tripp
Irwin	Reese		

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Hopkins, Senate File 305, a bill for an act to make an appropriation to Nettie Mae Bennett and to E. D. Marshall, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 44.

Anderson	Doze	Klemme	Roelofs
Aschenbrenner	Elthon	Knudson	Schmidt
Baldwin	Frailey	Leo	Shangle
Beardsley	Geske	Meyer	Stanley
Beatty	Harrington	Miller of	Stevens of
Bennett	Hicklin	Buchanan	Decatur
Booth	Hill	Miller of Jones	Stevens of
Byers	Hopkins	Moore	Wapello
Calhoun	Hush	Mullaney	Topping
Carden	Husted	Nelson	Valentine
Chrystal	Irwin	Patterson	Wenner
Coykendall	Kimberly	Pendray	

Nays, none.

Absent or not voting, 6.

Fisch	Reese	Tripp	Wilson
McArthur	Ritchie		

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Hopkins, Senate File 306, a bill for an act to make an appropriation to I. J. Petri, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 42.

Anderson	Frailey	Knudson	Roelofs
Aschenbrenner	Geske	Leo	Schmidt
Baldwin	Harrington	Meyer	Stanley
Beardsley	Hicklin	Miller of	Stevens of
Beatty	Hill	Buchanan	Decatur
Bennett	Hopkins	Miller of Jones	Stevens of
Booth	Hush	Moore	Wapello
Byers	Husted	Mullaney	Topping
Calhoun	Irwin	Nelson	Valentine
Coykendall	Kimberly	Patterson	Wenner
Doze	Klemme	Pendray	Wilson
Elthon			

Nays, 1.

Shangle

Absent or not voting, 7.

Carden	Fisch	Reese	Tripp
Chrystal	McArthur	Ritchie	

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Hopkins, Senate File 307, a bill for an act to make an appropriation to A. R. Walton, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Aschenbrenner	Elthon	Kimberly	Patterson
Baldwin	Frailey	Klemme	Pendray
Bennett	Geske	Knudson	Stanley
Beatty	Harrington	Leo	Stevens of
Byers	Hicklin	Meyer	Decatur
Calhoun	Hill	Miller of	Stevens of
Carden	Hopkins	Buchanan	Wapello
Chrystal	Hush	Miller of Jones	Valentine
Coykendall	Husted	Moore	Wenner
Doze	Irwin	Mullaney	Wilson

Nays, 1.

Shangle

Absent or not voting, 12.

Anderson	Fisch	Reese	Schmidt
Beardsley	McArthur	Ritchie	Topping
Booth	Nelson	Roelofs	Tripp

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Hopkins, Senate File 303, a bill for an act to make an appropriation to W. F. Belamy, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 29..

Baldwin	Doze	Husted	Stanley
Beardsley	Frailey	Irwin	Stevens of
Beatty	Geske	Leo	Decatur
Bennett	Harrington	Miller of	Topping
Booth	Hicklin	Buchanan	Valentine
Calhoun	Hill	Mullaney	Wenner
Chrystal	Hopkins	Pendray	Wilson
Coykendall	Hush	Roelofs	

Nays, 8.

Aschenbrenner	Knudson	Moore	Stevens of
Elthon	Meyer	Shangle	Wapello
Klemme			

Absent or not voting, 13.

Anderson	Kimberly	Nelson	Ritchie
Byers	McArthur	Patterson	Schmidt
Carden	Miller of Jones	Reese	Tripp
Fisch			

The bill having failed to receive a constitutional two-thirds majority was declared to have failed to pass the Senate.

HOUSE MESSAGES CONSIDERED

House File 162, a bill for an act providing for the non-partisan nomination and election of judges of the supreme and district courts of the State of Iowa; also for the form and contents of declaration of candidacy of such candidates and accompanying petitions; for the time and place of filing same and fees to be paid in connection therewith; for the certification of the names of such candidates by the Secretary of State to county auditors, and prescribing the duties of county auditors in connection therewith; providing for the form of ballots to be used for determining what

candidates have been nominated for such offices; and providing for the certification of such nomination by the Secretary of State to county auditors and prescribing the duties of county auditors in connection with the general election; providing for the form of ballots to be used and also for determining what candidates have been elected for such offices; providing for the use of voting machines and also for the filing of vacancies; also that the general laws applicable to primary elections and to general elections unless inconsistent with the provisions of this act, shall govern in the nomination of candidates at the primary election and in the election of candidates at the general election, and repealing all acts and parts of acts in conflict herewith.

Read first and second times and referred to sifting committee.

House File 324, a bill for an act to amend Section Seven Thousand Three (7003), Code, 1931, relating to the taxation of Bank Stock.

Read first and second times and referred to sifting committee.

House File 338, a bill for an act to authorize the Secretary of State to compromise certain statutory penalties imposed upon distressed corporations.

Read first and second times and referred to sifting committee.

House File 342, a bill for an act making an appropriation to reimburse the City of Iowa City, Iowa, for expenditures made in paving streets in front of State owned property.

Read first and second times and referred to sifting committee.

SENATE CONCURRENT RESOLUTION 12

Be It Resolved by the Senate, the House concurring, That the Forty-fifth General Assembly in Extraordinary Session adjourn, sine die, at 5 o'clock P. M. Saturday, February 24, 1934.

WM. BEARDSLEY
JOHN N. CALHOUN
G. W. PATTERSON

CLAUDE STANLEY
RICHARD V. LEO
FRANK C. BYERS

Passed on file.

MOTIONS TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 292 passed the Senate; I also move to reconsider the vote by which House File

292 went to its third reading; I also move to reconsider the vote by which the previous question was ordered on House File 292. J. R. FRAILEY.

MR. PRESIDENT: I move to reconsider the vote by which Senate File 308 failed to pass the Senate. LEO ELTHON.

The journal of February 19th was corrected and approved.

AMENDMENTS FILED

Amend Senate File 297 as follows:

1. Amend the title by striking all after the word "dependents" in line 4 thereof.
2. Strike from Section 1, line 19, the following: "of not less than twenty-five dollars (\$25.00)".
3. Strike from Section 1, line 24 the following: "not less than two thousand dollars (\$2,000.00)" and insert in lieu thereof the following: "money".
4. Strike from Section 1, lines 28 to 36 inclusive.
5. Strike Section 2.
6. Strike Section 3.
7. Renumber the remaining sections. JOHN N. CALHOUN.

Amend Senate File 315, as follows:

1. By striking therefrom all of Section 13 and Section 14 and inserting in lieu thereof the following:

"Sec. 13. Subject to the provisions of this Act, any dining car company, sleeping car company, railroad company or railway company may make application to the Treasurer of State for a Special Class B Permit, and the Treasurer of State may issue a permit to any such company which shall authorize the holder thereof to keep for sale and sell on any dining car, sleeping car, buffet car, or observation car, operated by such applicant in, through or across the State of Iowa beer for consumption in such cars, containing no greater content of alcohol by weight than is lawful under this Act. The application for such permit shall be in such form and contain such information as may be required by the Treasurer of State. Each such permit shall be good throughout the State as a State Permit. Only one such permit shall be required for all cars operated in this State by such applicant, but a duplicate of such permit issued, as herein provided, shall be posted in each car in which such beverages are sold; and no further permit shall be required or tax levied for the privilege of selling beverages for consumption in such cars. As a condition precedent to the issuance of any permit hereunder, the applicant shall give bond in the penal sum of One Thousand (\$1000.00) Dollars, to the Treasurer of State, with good and sufficient sureties thereon to be approved by the Treasurer of State, conditioned upon the faithful performance of this Act.

2. By adding at the end of Section 21 thereof, the following:

"The annual permit fee for Special Class B Permits, issued under Section 13 hereof, shall be One Hundred Dollars and Fifty Cents (\$100.50) for each duplicate thereof, which fees shall be paid into the State Treasury. The Treasurer of State shall issue duplicates of such permits from time to time as applied for by each such company."

3. Amend Section 29 by adding after the word "paid" in line 6 thereof, the following:

"Provided, however, the provisions of this Section shall not apply to the holders of Special Class B Permits issued under Section 13 hereof with respect to beer sold in cars engaged in interstate commerce."

J. R. FRAILEY.

Amend the substitute amendment to House File 185 by adding thereto as Section 4 the following:

"Sec. 4. Amend Section 5093 B-1 Code of 1931 by adding after the word 'fuel' in line 3 thereof the words: 'or petroleum products'.

"Further amend said section 5093 B-1, Code of 1931, by adding after the word 'fuel' in line 16 thereof the words: 'or petroleum products'."

FRED W. NELSON

CLYDE TOPPING

On motion of Senator Harrington, the Senate adjourned until 10:00 a. m. Wednesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 21, 1934.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Philip Shutt, lay reader of the St. James Episcopal Church of Independence.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring Senate File 155, and House File 180. Opposing Senate Files 105, 185 and 186. Senator Harrington, from Progressive Farmers Union of Iowa. Sifting Committee.

Favoring bill requiring companies to dispose of foreclosed land within ninety days. Senator Harrington from United Farmers of Pocahontas county. Sifting committee.

Favoring amendment to mortgage law exempting personal property other than crops from a chattel lien. Senator Harrington from Progressive Farmers Union of Iowa. Sifting committee.

Opposing change in gasoline tax laws. Senator Harrington from board of supervisors of Winneshiek county. Judiciary No. 1.

Favoring tax on chain stores. Senator Ritchie from business men of Hardy and Renwick; Senator Schmidt from business men of Johnson county. Sifting committee.

Favoring replacement tax to relieve real estate. Senator Harrington from Real Estate Board of Sioux City. Tax revision and reorganization.

Favoring old age pension bill. Senator Hicklin from citizens of Wapello. Judiciary No. 2.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 20th he had signed the following bills:

Senate File 260, an act to make an appropriation to Dan Rhodes.

Senate File 263, an act to make an appropriation to Cornell College.

Senate File 256, an act to make an appropriation to the City of Waterloo, Iowa.

Senate File 266, an act to make an appropriation to certain veterinarians employed by the Department of Agriculture.

Senate File 280, an act to make an appropriation to the Secretary of War.

Senate File 255, an act to legalize action of the Board of Supervisors of Story County, Iowa, in making expenditures from the Story County Insane Fund for maintenance of Story County Home.

Senate File 259, an act to make an appropriation to Robert A. Miller.

Senate File 257, an act to make an appropriation to the Soldier Valley Mutual Telephone and Telegraph Company.

Senate File 169, an act to prohibit "marathon dances", "walkathons", "skatathons", or any endurance contest in the State of Iowa.

CALL OF THE SENATE

MR. PRESIDENT: We, the undersigned Senators, request a call of the Senate for the consideration of Senate Concurrent Resolution 12 when same is brought up for consideration.

H. C. BALDWIN

FRANK COYKENDALL

I. G. CHRYSTAL

P. H. ANDERSON

H. L. IRWIN

W. F. MILLER

T. W. MULLANEY

L. H. MEYER

WM. MCARTHUR

PAUL W. SCHMIDT

ROY E. STEVENS

FRANK M. STEVENS

J. E. DOZE

H. D. MILLER

M. MOORE

M. X. GESKE

D. MYRON TRIPP.

REPORT OF SIFTING COMMITTEE

MR. PRESIDENT: Your sifting committee begs leave to report that it

has had the following bills under consideration and recommends that they be placed on the calendar: S. F. 277, H. F. 313, H. F. 299, S. F. 155, S. F. 265, H. F. 257. M. X. GESKE, *Chairman*.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Hopkins, Senate File 309, a bill for an act to make an appropriation to the Dallas County News and to C. W. Havenstein, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 43.

Anderson	Fisch	Leo	Roelofs
Aschenbrenner	Frailey	Meyer	Shangle
Baldwin	Geske	Miller of	Stanley
Beardsley	Harrington	Buchanan	Stevens of
Beatty	Hill	Moore	Decatur
Bennett	Hopkins	Mullaney	Stevens of
Booth	Hush	Nelson	Wapello
Calhoun	Husted	Patterson	Tripp
Carden	Irwin	Pendray	Valentine
Chrystal	Kimberly	Reese	Wenner
Doze	Klemme	Ritchie	Wilson
Elthon	Knudson		

Nays, none.

Absent or not voting, 7.

Byers	Hicklin	Miller of Jones	Topping
Coykendall	McArthur	Schmidt	

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Hopkins, Senate File 310, a bill for an act to make an appropriation to Leonard Ruback and Richard Ruback, with report of appropriations committee, without recommendation, was taken up, considered, and the report of the committee adopted.

Senator Bennett offered the following amendment and moved its adoption:

Amend section 1 by striking from line 1 the word "That" and inserting in lieu thereof the word "There".

The amendment was adopted.

The bill was read for information.

Senator Bennett moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Anderson	Elthon	Irwin	Patterson
Aschenbrenner	Fisch	Kimberly	Pendray
Baldwin	Frailey	Klemme	Reese
Beatty	Geske	Knudson	Ritchie
Bennett	Harrington	Leo	Schmidt
Booth	Hicklin	Miller of	Stevens of
Calhoun	Hill	Buchanan	Wapello
Carden	Hopkins	Moore	Wenner
Chrystal	Hush	Mullaney	Wilson
Doze	Husted		

Nays, 5.

Meyer	Stanley	Stevens of	Tripp
Shangle		Decatur	

Absent or not voting, 9.

Beardsley	McArthur	Nelson	Topping
Byers	Miller of Jones	Roelofs	Valentine
Coykendall			

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

SPECIAL ORDER SENATE FILE 42 RESUMEED

Senator Frailey called up for consideration Senate File 42 upon which action was deferred until 10:00 a. m. this morning, as shown on page 1150 of the Senate journal.

Senator Wilson offered the following amendment and moved its adoption:

Amend Section 7 by adding after the word "provide" in line ten (10) the following: "The Board in its discretion may arrange with other public or private relief departments or agencies to use one or more of their investigators who meet the required qualifications."

The amendment was adopted.

Senator Frailey moved to defer action on the bill until copies of amendments could be furnished Senators.

The motion prevailed.

Senator Frailey moved that the Senate proceed with other business.

The motion prevailed.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Hopkins, House File No. 318, a bill for an act to make an appropriation to Mrs. Etta Rock, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 34.

Anderson	Elthon	Kimberly	Schmidt
Aschenbrenner	Fisch	Klemme	Stanley
Baldwin	Frailey	Knudson	Stevens of
Beardsley	Geske	Leo	Detatur
Bennett	Harrington	Meyer	Stevens of
Booth	Hill	Miller of Jones	Wapello
Carden	Hopkins	Pendray	Tripp
Chrystal	Hush	Ritchie	Wenner
Doze	Irwin	Roelofs	Wilson

Nays, none.

Absent or not voting, 16.

Beatty	Husted	Moore	Reese
Byers	McArthur	Mullaney	Shangle
Calhoun	Miller of	Nelson	Topping
Coykendall	Buchanan	Patterson	Valentine
Hicklin			

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Hopkins, House File No. 320, a bill for an act to make an appropriation to Doctor F. C. Schadt, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 35.

Anderson	Frailey	Miller of	Stanley
Aschenbrenner	Harrington	Buchanan	Stevens of
Bennett	Hill	Miller of Jones	Decatur
Booth	Hopkins	Mullaney	Stevens of
Carden	Hush	Patterson	Wapello
Chrystal	Irwin	Pendray	Topping
Coykendall	Kimberly	Reese	Tripp
Doze	Klemme	Ritchie	Wenner
Elthon	Leo	Roelofs	Wilson
Fisch		Schmidt	

Nays, 1.

Shangle

Absent or not voting, 14.

Baldwin	Calhoun	Knudson	Moore
Beardsley	Geske	McArthur	Nelson
Beatty	Hicklin	Meyer	Valentine
Byers	Husted		

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Hopkins, House File No. 321, a bill for an act to make appropriations to Fort Madison Coal and Coke Company, Harry Harding, LaVerne Harding, Clyde Fee, The Electrical Store, Jensen-Dunn Company, Standard Seed Company, Reformatory for Men at Anamosa, Yates American Machine Company, H. J. Nazett, W. H. Frazier, Warden, and T. H. Metfessel, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 39.

Anderson	Booth	Doze	Hicklin
Aschenbrenner	Byers	Elthon	Hill
Beardsley	Carden	Fisch	Hopkins
Beatty	Chrystal	Geske	Hush
Bennett	Coykendall	Harrington	Irwin

Kimberly	Miller of Jones	Roelofs	Stevens of
Klemme	Mullaney	Schmidt	Wapello
Knudson	Patterson	Shangle	Topping
Leo	Pendray	Stanley	Wenner
Miller of	Reese	Stevens of	
Buchanan	Ritchie	Decatur	

Nays, none.

Absent or not voting, 11.

Baldwin	Husted	Moore	Valentine
Calhoun	McArthur	Nelson	Wilson
Frailey	Meyer	Tripp	

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

SENATE FILE 314 ON CALENDAR

By unanimous consent, on request of Senator Hopkins, the rules were suspended and Senate File 314 was withdrawn from the committee on appropriations and placed on the calendar.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Hopkins, Senate File 314, a bill for an act to make an appropriation to Robert Harrison, was taken up and considered.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 34.

Aschenbrenner	Frailey	Knudson	Reese
Beardsley	Geske	Leo	Ritchie
Bennett	Harrington	McArthur	Roelofs
Booth	Hill	Miller of	Stanley
Carden	Hopkins	Buchanan	Stevens of
Chrystal	Hush	Miller of Jones	Decatur
Coykendall	Irwin	Mullaney	Topping
Doze	Kimberly	Patterson	Wenner
Elthon	Klemme	Pandray	Wilson

Nays, 2.

Meyer	Shangle
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Absent or not voting, 14.

Anderson	Calhoun	Moore	Stevens of
Baldwin	Fisch	Nelson	Wapello
Beatty	Hicklin	Schmidt	Tripp
Byers	Husted		Valentine

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease until the fall of the gavel.

The Senate reconvened, at the fall of the gavel, President N. G. Kraschel presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the conference committee report and concurred in amendments proposed therein to the following bill in which the concurrence of the Senate is asked:

House File 1, a bill for an act equalizing taxation; providing for public revenue; imposing personal net income tax; business tax on corporations; retail sales tax and providing for administration thereof.

VIRGIL LEKIN, *Chief Clerk.*

MOTION TO RECONSIDER SENATE FILE 298 CONSIDERED

Senator Wilson called up for consideration the following motions to reconsider filed by Senators Booth and Hill, as shown on page 1025 of the Senate journal, and moved their adoption.

I move to reconsider the vote by which Senate File 298 passed the Senate, and also to reconsider the vote by which the bill went to its third reading.

On the question "Shall the motion to reconsider the vote by which Senate File 298 passed the Senate prevail?" the vote was:

Ayes, 41.

Aschenbrenner	Geske	Leo	Roelofs
Beardsley	Harrington	McArthur	Schmidt
Beatty	Hicklin	Meyer	Shangle
Bennett	Hill	Miller of Jones	Stanley
Booth	Hopkins	Moore	Stevens of
Byers	Hush	Mullaney	Wapello
Carden	Husted	Nelson	Topping
Coykendall	Irwin	Patterson	Tripp
Elthon	Kimberly	Pendray	Valentine
Fisch	Klemme	Reese	Wenner
Frailey	Knudson		

Nays, none.

Absent or not voting, 9.

Anderson	Chrystal	Miller of	Stevens of
Baldwin	Doze	Buchanan	Decatur
Calhoun		Ritchie	Wilson

The motion to reconsider prevailed.

The question was on the reconsideration of the vote by which the bill went to its third reading.

Senator Wilson moved the adoption of the motion.

The motion prevailed.

Senator Wenner offered the following amendment and moved its adoption:

Amend by striking from Section one (1), lines six (6) and seven (7), the following: "there may be, and in cities having a population of thirty-five thousand or over", and substitute therefor the following: "the mayor may appoint, in cities under sixty thousand population, one or more women over thirty years of age, residents of the city, as police matrons, and in cities over sixty thousand population".

Further amend by striking Section two (2) and by substituting therefor the following:

"Sec. 2. That section five thousand six hundred ninety-four (5694), Code 1931, be and the same is hereby amended by striking the word 'matrons' in line thirty-four (34) thereof, and by inserting in lieu of the word stricken the following: 'Matrons in cities having a population under sixty thousand'."

Action was deferred temporarily, for the consideration of Senate File 42.

SENATE FILE 42 RESUMED

Senator Beatty offered the following amendments and moved their adoption:

Amend by striking from lines two and three of Section 35 the following: "one-half from the appropriation made by the legislature and one-half". Further amend by striking all of Section 36 after the period in line three of said section.

Roll call was demanded.

On the question "Shall the amendments be adopted?" the vote was:

Ayes, 11.

Beatty	Fisch	Husted	Patterson
Booth	Hill	Leo	Ritchie
Elthon	Hopkins	Nelson	

Nays, 34.

Anderson	Carden	Frailey	Irwin
Aschenbrenner	Chrystal	Geske	Kimberly
Baldwin	Coykendall	Harrington	Klemme
Byers	Doze	Hush	Knudson

McArthur	Mullaney	Stanley	Topping
Meyer	Reese	Stevens of	Tripp
Miller of	Roelofs	Decatur	Valentine
Buchanan	Schmidt	Stevens of	Wenner
Miller of Jones	Shangle	Wapello	Wilson
Moore			

Absent or not voting, 5.

Beardsley	Calhoun	Hicklin	Pendray
Bennett			

The amendments were lost.

Action was deferred temporarily.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled Senate File 17.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate File 17.

BILLS SENT TO THE GOVERNOR

Senator Hush, from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 21st day of February, 1934, sent to the Governor for his approval, Senate File 17.

HOMER HUSH, *Chairman.*

Passed on file.

On motion of Senator Shangle the Senate recessed until 1:15 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel.

SENATE FILE 42 RESUMED

Senator Beatty offered the following amendments and moved their adoption:

Amend by striking sub-sections (a), (b) and (c) of Section 1 and inserting in lieu thereof the following:

"(a) The term "board" shall mean the County Board of Supervisors." Further amend by renumbering sub-section (d) as sub-section (b).

Further amend by striking all of sections 2, 3, 5, 6, and 8, and inserting in lieu thereof the following:

"Sec. 2. This act shall be administered within each county by the Board of Supervisors of such county."

Further amend by striking from section 7 the last sentence thereof.

Further amend by striking the word "commission" and inserting in lieu thereof the word "board" wherever the word "commission" appears in sections 4, 16, 17, 20, 21, 24, 26, 28, 31, 32, 37, and 38.

Further amend by striking from Section 19, line 2, the words "commission and the".

Further amend by striking from lines 11 and 12 of section 23 the following: "and with the approval of the commission,".

Further amend by striking from line five of section 30 the following: "by the board", and by striking from lines 7 and 8 of Section 30 the following: "It shall also notify the board of such suspension."

Further amend by striking the word "commission" in line 10 of Section 30 and substituting the word "board".

Further amend by striking from section 34 lines 8 to 14 inclusive, and substituting in lieu thereof the word "act".

Further amend by striking from line 16 of section 16 the following: "attorney general" and inserting in lieu thereof "county attorney".

Further amend by renumbering the remaining sections.

Roll call was demanded.

On the question "Shall the amendments be adopted?" the vote was:

Ayes, 15.

Beatty	Carden	Husted	Pendray
Bennett	Elthon	Klemme	Ritchie
Booth	Hill	Leo	Stanley
Calhoun	Hopkins	Patterson	

Nays, 32.

Anderson	Harrington	Miller of	Shangle
Aschenbrenner	Hicklin	Buchanan	Stevens of
Baldwin	Hush	Miller of Jones	Decatur
Byers	Irwin	Moore	Stevens of
Chrystal	Kimberly	Mullaney	Wapello
Coykendall	Knudson	Nelson	Topping
Doze	McArthur	Reese	Valentine
Frailey	Meyer	Roelofs	Wenner
Geske		Schmidt	Wilson

Absent or not voting, 3.

Beardsley	Fisch	Tripp
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The amendments were lost.

Senators Frailey and Shangle offered the following amendment and moved its adoption:

Amend by adding after the period in line 14 of Section 34 the following:

“There is hereby created a fund to be known as the State Old Age Pension Fund to be administered by the State Old Age Assistance Commission, the proceeds of which shall be used to pay the expenditures incurred under this Act. To provide money for said fund, there is hereby levied on all persons residing in this state of twenty-one (21) years of age, except inmates of State and County institutions, an annual tax of one dollar (\$1.00). This tax shall be collected in the same manner and at the same time as property taxes and subject to the same penalties. As a condition for obtaining assistance under this Act and from this fund, satisfactory proof shall be furnished to the Board or Commission that the applicant for said aid has paid all taxes due to said fund. Any one who becomes in arrears more than three (3) years on this tax for any year shall forfeit all claim to old age pensions provided for herein.”

By unanimous consent, on request of Senator Frailey, line 9 was amended by inserting after the word “age” the words “and upwards”.

The amendment was adopted.

Senators Shangle and Frailey offered the following amendment and moved its adoption:

Amend by striking out the words “The assistance” in line 1 of Section 35 and inserting in lieu thereof the following:

“In the event that the said annual tax is not sufficient to meet the cost and expenses of the administration of this Act any deficiency shall be met by assistance which”.

The amendment was adopted.

Senator Shangle offered the following amendment and moved its adoption:

Amend section 15 by striking from line 12 the words “treasury of the state” and inserting in lieu thereof the words “State Old Age Pension Fund”.

The amendment was adopted.

Senator Frailey offered the following amendment and moved its adoption:

Amend section 40 by striking from line 1 the following, “..... dollars” and inserting in lieu thereof the words and figures “ten thousand dollars (\$10,000.00)”.

The amendment was adopted.

The bill was read for information.

Senator Frailey moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 46.

Anderson	Frailey	McArthur	Roelofs
Aschenbrenner	Geske	Meyer	Schmidt
Baldwin	Harrington	Miller of	Shangle
Beardsley	Hicklin	Buchanan	Stevens of
Beatty	Hopkins	Miller of Jones	Decatur
Bennett	Hush	Moore	Stevens of
Booth	Husted	Mullaney	Wapello
Byers	Irwin	Nelson	Topping
Calhoun	Kimberly	Patterson	Tripp
Carden	Klemme	Pendray	Valentine
Chrystal	Knudson	Reese	Wenner
Coykendall	Leo	Ritchie	Wilson
Doze			

Nays, 2.

Fisch Stanley

Absent or not voting, 2.

Elthon Hill

The bill having received a constitutional majority was declared to have passed the Senate.

Senator Hush moved to amend the title by inserting after the word "therefor" in line 5 the words ", levying a tax,".

The amendment was adopted and the title as amended was agreed to.

SPECIAL ORDER SENATE FILE 103 RESUMED

Senator Harrington called up for consideration Senate File 103, a special order, upon which action was deferred as shown on page 1006 of the Senate journal.

By unanimous consent on request of Senator Harrington his amendment, as found on pages 1004 to 1006 inclusive, was withdrawn.

Senator Wilson offered the following amendment and moved its adoption:

Amend by adding thereto as Section 2 the following:

"Sec. 2. Such revenue bonds shall be substantially in the following form, to-wit:

The City (or Town) of.....in the state of Iowa, for value received promises to pay to bearer, in the manner hereinafter specified,

the sum of Dollars, lawful money of the United States of America, on the day of, with interest on said sum from until paid at the rate of per cent per annum, payable annually on the day of and in each year, on presentation and surrender of the interest coupons hereto attached; both principal and interest payable at

This bond is issued by the City (or Town) of, pursuant to the provisions of of the Code of Iowa and in conformity to a resolution of the (council or board of trustees of) of said city (or town), duly passed on the day of

This bond is one of a series of bonds of like tenor and date, numbered from to, is issued for the purpose of defraying the cost of; and is not a general obligation, but is payable solely and only out of the future earnings of said; said property purchased and the net earnings of are pledged to the payment hereof. This bond is not payable in any manner by taxation, and under no circumstances shall the city (or town) be in any manner liable by reason of the failure of the said net earnings to be sufficient for the payment hereof.

In testimony whereof said city (or town) by its council (or board of trustees) has caused this bond to be signed by its mayor and attested by its clerk (or by the chairman of said board of trustees and attested by the clerk of said board), with the seal of said city (or town or board of trustees) attached, this day of

Attest:

(Form of Coupon.)

The treasurer of the city (or town) of, Iowa, will pay to bearer out of the future earnings of, Dollars on, at for annual interest on its revenue bond, Number, dated

Attest:

(Facsimile signature.)

.....
Clerk of the city (or town, or of the board of trustees).

(When such revenue bonds are offered for sale to the public, there shall be printed in bold face type across the face of the Bond the following provisions:

‘This Bond is not a general obligation Bond or payable in any manner by taxation, but is payable only from the net earnings of the plant of, Iowa.’”

The amendment was adopted.

Senator Wenner offered the following amendment and moved its adoption:

Amend by adding, just preceding the publication clause, the following section:

"Sec. . . Such revenue bonds or other securities issued hereunder shall not be exempt from but shall be subject to taxation as moneys and credits, in the manner provided by law."

Renumber the remaining section of the bill.

Roll call was demanded.

Senator Pendray moved the previous question, which motion prevailed.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 14.

Booth	Frailey	Schmidt	Valentine
Byers	Kimberly	Stevens of	Wenner
Elthon	Miller of Jones	Wapello	Wilson
Fisch	Moore	Topping	

Nays, 28.

Anderson	Hicklin	McArthur	Pendray
Aschenbrenner	Hopkins	Meyer	Ritchie
Bennett	Hush	Miller of	Roelofs
Chrystal	Husted	Buchanan	Shangle
Coykendall	Irwin	Mullaney	Stanley
Doze	Klemme	Nelson	Stevens of
Geske	Knudson	Patterson	Decatur
Harrington	Leo		

Absent or not voting, 8.

Baldwin	Beatty	Carden	Reese
Beardsley	Calhoun	Hill	Tripp

The amendment was lost.

Senator Hicklin offered the following amendments and moved their adoption:

1. By inserting before the word "earnings" in line six (6) of Section 1 the word "net".
2. By striking out the word "revenue" in line fifteen (15) of Section 1 and inserting the words "net earnings".

The amendments were adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend by adding as an additional section the following:

"Sec. Such revenue bonds shall not be sold for less than par, plus accrued interest, and shall not be negotiated on a basis to yield more than six per cent (6%) per annum, computed to maturity according to the standard tables of bond values."

The amendment was adopted.

Senator Valentine offered the following amendments and moved their adoption:

Amend by adding thereto as Section 2 the following:

"Sec. 2. Any such revenue bonds when offered for sale or exchange to the public, shall first be registered and qualified in accordance with Chapter 339 C-1, Code of 1931, and shall not be exempt therefrom, any provisions in the statutes to the contrary notwithstanding."

Further amend by renumbering the remaining sections.

Senator Tripp was called to the chair at 3:12 p. m.

President N. G. Kraschel returned to the chair at 3:20 p. m.

Roll call was demanded.

On the question "Shall the amendments be adopted?" the vote was:

Ayes, 18.

Anderson	Frailey	Moore	Stevens of
Baldwin	Geske	Mullaney	Wapello
Byers	Kimberly	Reese	Topping
Calhoun	Knudson	Schmidt	Valentine
Fisch	Miller of Jones		Wilson

Nays, 32.

Aschenbrenner	Elthon	Leo	Ritchie
Beardsley	Harrington	McArthur	Roelofs
Beatty	Hicklin	Meyer	Shangle
Bennett	Hill	Miller of	Stanley
Booth	Hopkins	Buchanan	Stevens of
Carden	Hush	Nelson	Decatur
Chrystal	Husted	Patterson	Tripp
Coykendall	Irwin	Pendray	Wenner
Doze	Klemme		

Absent or not voting, none.

The amendments were lost.

Senator Byers offered the following amendment and moved its adoption:

Amend by striking out all of Section 1 after the period in line nine thereof, and inserting in lieu thereof the following:

"Such revenue bonds may be sold by the municipality and the proceeds used to pay for such improvement; and/or such bonds may be used as collateral security for money borrowed to pay the cost of such improvement, such loan to be repaid only out of the net earnings of the plant, or may, when the plant or improvement is fully completed in accordance with the plans and specifications, and accepted by the city, be delivered to the contractor, or contractors, in payment for such improvement."

Roll call was demanded.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 6.

Anderson	Byers	Kimberly	Moore
Baldwin	Frailey		

Nays, 43.

Aschenbrenner	Geske	Meyer	Shangle
Beardsley	Harrington	Miller of	Stanley
Beatty	Hicklin	Buchanan	Stevens of
Bennett	Hill	Miller of Jones	Decatur
Booth	Hopkins	Mullaney	Stevens of
Calhoun	Hush	Nelson	Wapello
Carden	Husted	Patterson	Topping
Chrystal	Irwin	Pendray	Tripp
Coykendall	Klemme	Reese	Valentine
Doze	Knudson	Ritchie	Wenner
Elthon	Leo	Schmidt	Wilson
Fisch	McArthur		

Absent or not voting, 1.

Roelofs

The amendment was lost.

Senator Harrington moved that the reading previously had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 46.

Anderson	Geske	Meyer	Schmidt
Aschenbrenner	Harrington	Miller of	Shangle
Baldwin	Hicklin	Buchanan	Stanley
Beardsley	Hill	Miller of Jones	Stevens of
Beatty	Hopkins	Moore	Decatur
Bennett	Hush	Mullaney	Stevens of
Booth	Husted	Nelson	Wapello
Calhoun	Irwin	Patterson	Topping
Carden	Klemme	Pendray	Tripp
Chrystal	Knudson	Reese	Valentine
Coykendall	Leo	Ritchie	Wenner
Doze	McArthur	Roelofs	Wilson
Elthon			

Nays, 4.

Byers	Fisch	Frailey	Kimberly
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Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the Senate.

Senator Harrington moved to amend the title by inserting after the word "bonds" preceding the semi-colon in line 5 the words "and the rate of interest and form of such bonds".

The amendment was adopted and the title as amended was agreed to.

Senator Stanley moved that the vote by which the bill passed the Senate be reconsidered and the motion to reconsider be laid on the table.

The motion prevailed.

SENATE FILE 262 WITHDRAWN

By unanimous consent, on request of Senator Hopkins, Senate File 262 was withdrawn from further consideration.

REPORT OF CONFERENCE COMMITTEE ON HOUSE FILE 1

MR. PRESIDENT: We, the undersigned conference committee appointed to consider the difference between the Senate and the House on House File 1, being a bill for an act to equalize taxation and replace in part the tax on property; to provide the public revenue to be used for such replacement by imposing a personal net income tax, a business tax on corporations, and a tax on the gross receipts from retail sales as defined herein; to provide for the collection of such taxes, the distribution and use of the revenue derived therefrom, and the administration of said law; to fix fines and penalties for the violation of the provisions of this act; to amend Chapter twenty-four (24), Code, 1931; and to repeal all laws or parts of laws in conflict herewith, begs leave to report that it has had the same under consideration and recommends that the bill, as passed by the House, be amended as follows:

(1) Amend Section 9 by adding after the word "deductions" in line 59 the following words: "in this sub-section".

(2) Amend Section 10 by substituting the word "for" for the word "on" in the eighth (8th) line thereof.

(3) Amend Section 21 by adding after the word "practicable" in line 2 the words: "and in any event within two (2) years".

(4) Amend Section 22, line twenty-eight (28), by inserting after the word "book" the following: "and shall forthwith record said lien in the manner provided for recording real estate mortgages".

(5) Further amend Section 22 by striking line twenty-nine (29) and inserting in lieu thereof the following: "lien shall be effective from the time of the indexing thereof."

(6) Further amend Section 22 by inserting a new sentence after line twenty-nine (29), as follows: "The Board shall pay a recording fee as provided in Section fifty-one hundred seventy-seven (5177), Code, 1931, for the recording of such lien, or for the satisfaction thereof."

(7) Amend Section 28 by substituting the word "or" for the word "and" in the twenty-sixth (26th) line thereof.

(8) Amend Section 29 by striking from line 6 the word "domestic".

(9) Amend Section 29, line 4, by adding after the comma (,) following the word "national" the word "private."

(10) Amend Section 29, sub-paragraph (a), by inserting after the comma after the word "associations" where it first appears in line eight of said section, the following: "reciprocal or inter-insurance exchanges,".

(11) Amend Section thirty-two (32), subsection one (1), by adding a period (.) after the word "require" in line ten (X) thereof, striking the remainder of said sub-section and adding in lieu of the part so stricken, the following:

"The board shall compute, determine and assess the tax upon the combined net income shown by such consolidated return and as apportioned and allocated according to Section 28 of this Act; provided that the term 'taxable income' as used in this act shall not include income represented by dividends received by any one of such corporations from another when the income of the dividend paying corporation is reported to and subject to taxation under this act by the state of Iowa."

(12) Amend Section 37 by striking all of sub-section "c" and inserting in lieu thereof the following:

"(c) 'Retail sale' or 'sale at retail' means the sale to a consumer or to any person for any purpose, other than for processing or for resale, of tangible personal property and the sale of gas, electricity, water, and communication service to retail consumers or users."

(13) Amend Section 40 by striking the word "levied" following the word "tax" in line 6 and inserting in lieu thereof the word "imposed".

(14) Amend Section 41-a by striking the word "may" in line one (1) and inserting in lieu thereof the words: "shall, as far as practicable,".

(15) Amend Section 44 by striking from line 4 the word "15th" and inserting in lieu thereof the word "20th".

Further amend Section 44 by striking from line 21 the word "forty-six" and inserting in lieu thereof the word "forty-five".

(16) Amend Section 51 by striking from line 18 the figures "47" and inserting in lieu thereof the figures "46".

(17) Amend Section fifty-three (53) by striking sub-section three (3).

(18) Amend Section 59 by striking from line 4 the words "Upon his approval" and inserting in lieu thereof the words, "Upon certification from the board".

(19) Amend Section 61 by striking all of said section and inserting in lieu thereof the following:

"Sec. 61. Generally. All revenues arising under the operation of this act and carried by the treasurer of state in the special tax fund shall be apportioned as follows:

1. Three per cent (3%) of said fund shall be transferred to the general fund of the state as the same is collected.

2. During the year 1934 only, the board shall set aside and cause to be paid into a fund to be known as the "state emergency relief fund", which fund is hereby created, the next three million dollars (\$3,000,000.00) collected under this act; to be used as provided in Senate File 281, Acts of the Forty-fifth General Assembly in Extraordinary Session.

3. On January 1st, 1935, and quarterly thereafter, the board shall set aside and cause to be paid into the general fund of the state from the balance of said special tax fund a sum of not to exceed one million five hundred thousand dollars (\$1,500,000.00) quarterly, with which, together

with other state revenues expendable for such purposes, to pay all items of general expense of the state government for the current calendar year as authorized and appropriated for by the General Assembly. Provided, however, that if the sum to be so set aside and paid as provided above and anticipated as hereinafter provided, together with other state revenues expendable for such purposes, for any year, is insufficient to pay all of said items of general expense for said year, a levy and certification shall be made by the board under the provisions of sections seventy-one hundred eighty-two (7182) and seventy-one hundred eighty-three (7183), Code, 1931, sufficient to raise such deficiency. Provided further, that commencing with the 1934 state tax levy the board in making such levy and certification as provided by sections seventy-one hundred eighty-two (7182) and seventy-one hundred eighty-three (7183), Code, 1931, shall take into consideration the anticipated amount of quarterly payments to be made as provided herein for the next ensuing calendar year, and shall reduce accordingly the levy and certification by such amount so anticipated. The provisions of Chapter 247, Acts of the Forty-fifth General Assembly, are hereby repealed insofar as they conflict with the provisions of this act.

4. The balance of said fund, after the provisions of paragraphs one (1), two (2) and three (3) hereof have been complied with and any sums payable thereunder anticipated and set aside, shall be distributed from time to time upon order of the board in accordance with the provisions of this act, on warrants drawn by the Comptroller upon direction of the board, and made payable to the county treasurer of the several counties of the state."

(20) Amend Section 62 by striking all of said section and inserting in lieu thereof the following:

"Sec. 62. Ratio and manner of distribution. 1. The revenue distributable under paragraph four (4) of section sixty-one of this act shall be allocated each year to the several counties of the state in the same proportion that the assessed valuation of the taxable real and tangible personal property, including bank stock and private banks taxed at the same millage rate as tangible personal property, in that county for the next preceding tax year bears to the assessed valuation of the total taxable real and tangible personal property, including bank stock and private banks taxed at the same millage rate as tangible personal property, in the state for the next preceding tax year.

2. On August 1, 1935, and annually thereafter, the board shall certify to the county treasurer of each county in the state, the total amount of the money which has been apportioned and/or is then apportionable to that county.

3. The county treasurer shall then distribute the amount so certified to the several taxing districts of that county by the following procedure. He shall enter a credit against the second installment of the tax bill of each taxpayer in said county, being the tax bill of the next preceding tax year, due and payable in the current year, the amount of such credit to be in the same proportion to the amount so certified as the assessed valuation of such taxpayer's taxable real and personal property, including bank stock and private banks taxed at the same millage rate as tangible

personal property, for the next preceding tax year, bears to the total assessed valuation of taxable real and tangible personal property, including bank stock and private banks taxed at the same millage rate as tangible personal property, in that county for the next preceding tax year. The amount of money so credited shall forthwith be distributed by the county treasurer to the several taxing districts of said county, the same as though the amount thereof had been paid to the treasurer of said county by the taxpayers of said taxing district. In the event that a taxpayer has paid both installments of the tax prior to the time of entry of such credit, the county treasurer shall, at the same time that he enters such credit, remit to such taxpayer the amount of such credit. Provided, however, in no instance shall a credit or remittance of less than fifty cents (50c) be made on the tax bill of any taxpayer, but that portion of the amount so certified representing such credits or remittances of less than fifty cents (50c) shall be credited to the poor fund of said county by said county treasurer."

(21) Amend section 38 by adding after the comma (,) following the figures "1934" in line 2 of section 38, the following, "and ending April 1st, 1937,".

(22) Amend by striking all of the title and substituting in lieu thereof the following:

"A Bill For An Act to equalize taxation and replace in part the tax on property; to provide the public revenue to be used for such replacement by imposing a personal net income tax, a business tax on corporations, and a tax on the gross receipts from retail sales as defined herein; to provide for the collection of such taxes, the distribution and use of the revenue derived therefrom, and the administration of said law; to provide for certain deductions and exemptions; to make an appropriation for the administration of this act; to fix fines and penalties for the violation of the provisions of this act; to repeal the provisions of Chapter two hundred forty-seven (247), Acts of the Forty-fifth General Assembly, insofar as in conflict with the provisions of this Act; and to repeal all laws or parts of laws in conflict herewith."

Respectfully submitted,

JOHN K. VALENTINE.

C. L. RICE.

WM. MCARTHUR.

JOHN SPEIDEL.

HOMER HUSH.

C. E. R. FUESTER.

CLAUDE STANLEY.

E. A. JOHNSON.

On the part of the Senate.

On the part of the House.

MOTION TO RECONSIDER HOUSE FILE 292 WITHDRAWN

By unanimous consent, on request of Senator Frailey, his motion to reconsider the vote by which House File 292 passed the Senate, as shown on page 1158 of the Senate journal, was withdrawn.

COPIES SENATE FILE 42 ORDERED

By unanimous consent, on request of Senator Frailey, 1,200

copies of Senate File 42, as passed by the Senate, were ordered printed.

The journal of February 20th was corrected and approved.

AMENDMENTS FILED

Amend Senate File 313 by striking all after the word "assignee" in line eight (8) to and including line eighteen (18) and inserting in lieu thereof the following: " , when the terms of the mortgage provide that the same may be foreclosed upon the sale or voluntary disposal by the mortgagor or his agents of any of the mortgaged property contrary to the terms of said chattel mortgage, or when the value of the mortgaged property is depreciating due to neglect or lack of care on the part of the mortgagor or his agents, or when the mortgagor does not possess sufficient feed to properly feed and fatten the livestock included in said chattel mortgage, by notice of sale, as provided in this chapter, upon the maturity of the notes secured by said mortgage, or upon the happening of any of the above named contingencies."

CLAUDE STANLEY.

Amend Senate File 298 by striking all of Section 1 and inserting in lieu thereof, the following:

"Section 1. That Section five thousand six hundred thirty-five (5635), Code 1931, be and the same is hereby repealed and the following enacted in lieu thereof:

5635. Police matrons—appointment—number. In cities having a population of twenty-five thousand, and less than sixty thousand, for each station house provided therein for the detention or imprisonment of women or children under arrest, the mayor may appoint one or more women, residents of the city, as police matrons, who shall be over thirty years of age. The appointees shall be, so far as applicable, subject to the same regulations and restrictions as policemen, and hold their positions during good behavior, unless by reason of age or infirmity they become incapacitated to perform the duties of the position. In cities having a population of sixty thousand or more, and, in cities operating under the manager plan with a population of not less than twenty thousand there shall be appointed from the civil service list one or more women as police matrons, who shall be over thirty years of age. Such appointees shall be, so far as applicable, subject to the same regulations and restrictions as policemen."

Further amend by striking Section two (2) and by substituting therefor, the following:

"Sec. 2. That section five thousand six hundred ninety-four (5694), Code 1931, be and the same is hereby amended by striking the word 'matrons' in line thirty-four (34) thereof, and by inserting in lieu of the word stricken the following: 'Matrons in cities having a population under sixty thousand and in cities operating under the manager plan with a population of not less than twenty thousand'."

EDW. J. WENNER.

Amend House File 185 as follows:

Amend section twenty-four (24) by striking from lines three (3), four (4) and five (5) thereof the following phrase:

"where the fuel was not sold for use either alone or in combination with other substances in an internal combustion engine" and substituting in lieu thereof the following:

"where a certificate of purchase or certificate of exemption was received in connection with such sale".

HOMER HUSH.

Amend Senate File 312, section 1, by inserting after the word "cities" in line 1 the following: "including cities acting under special charter".

VINCENT F. HARRINGTON.

Amend Senate File 277 by striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. Strike out all of subsection one (1) of Section eighty-seven hundred thirty-seven (8737) of the Code, 1931, as amended by Chapter One Hundred Seventeen (117), Acts of the Forty-Fifth General Assembly, and insert in lieu thereof the following:

"1. Federal and dominion bonds. The bonds issued or guaranteed by the United States, and farm loan bonds issued under the Act of Congress approved July 17, 1916, as amended, and bonds issued or guaranteed by the Dominion of Canada, and bonds of the Federal Home Loan Banks, established by Act of Congress known and cited as the Federal Home Loan Bank Act, and bonds of Home Owners' Loan Corporation, organized under the Act of Congress known and cited as the Home Owners' Loan Act of 1933."

Section 2. Strike out all of subsection one (1) of Section eighty-eight hundred twenty-nine (8829) of the Code, 1931, as amended by Chapter One Hundred Seventeen (117), Acts of the Forty-Fifth General Assembly, and insert in lieu thereof the following:

"1. Federal and dominion bonds. The bonds issued or guaranteed by the United States, and farm loan bonds issued under the Act of Congress approved July 17, 1916, as amended, and bonds issued or guaranteed by the Dominion of Canada, and bonds of the Federal Home Loan Banks, established by Act of Congress known and cited as the Federal Home Loan Bank Act, and bonds of Home Owners' Loan Corporation, organized under the Act of Congress known and cited as the Home Owners' Loan Act of 1933."

Section 3. Strike out all of subsection one (1) of Section eighty-nine hundred twenty-seven (8927) of the Code, 1931, as amended by Chapter One Hundred Seventeen (117), Acts of the Forty-Fifth General Assembly, and insert in lieu thereof the following:

"1. Federal and foreign bonds. The bonds issued or guaranteed by the United States, or federal farm loan bonds issued under the provisions of the Act of Congress relative thereto approved July 17, 1916, and bonds issued or guaranteed by the Dominion of Canada, and bonds of the Federal Home Loan Banks, established by Act of Congress known and cited as the Federal Home Loan Bank Act, and bonds of Home Owners' Loan Corporation, organized under the Act of Congress known and cited as the Home Owners' Loan Act of 1933."

Section 4. This Act being deemed of immediate importance, shall be in full force and effect from and after its publication in the Mount Vernon

Hawkeye Record, a newspaper published in Mount Vernon, Iowa, and the Central City News-Letter, a newspaper published in Central City, Iowa.

Further amend the title to Senate File 277 by striking out the title and inserting the following in lieu thereof:

A bill for an act to amend Sections eighty-seven hundred thirty-seven (8737), eighty-eight hundred twenty-nine (8829), and eighty-nine hundred twenty-seven (8927) of the Code, 1931, authorizing the investment of funds by all insurance companies and associations in bonds issued or guaranteed by the United States or the Dominion of Canada, and bonds of the Federal Home Loan Banks and bonds of Home Owners' Loan Corporation.

FRANK C. BYERS.

Amend Senate Concurrent Resolution 12 by striking all after the letter "m." in the third line and inserting in lieu thereof the following: "Friday, March 2, 1934."

VINCENT F. HARRINGTON.

On motion of Senator Valentine, the Senate adjourned until 10:00 a. m. Thursday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 22, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. C. E. Burdine, pastor of the Presbyterian Church of West Liberty.

PETITIONS AND MEMORIALS

The following petition was presented and referred to the designated committee:

Favoring tax on chain stores. Senator Pendray from business men of Jackson county. Sifting committee.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 21st he had signed the following bills:

Senate File 224, an act regulating compensation of election boards.

Senate File 206, an act to authorize conversion of building and loan associations, and savings and loan associations, into federal savings and loan associations.

Senate File 299, an act to authorize the issuance of a patent to Lots 7 and 8 in Section 23, Township 78, Polk County, Iowa.

Senate File 223, an act relating to the qualifications of an absentee voter.

INTRODUCTION OF BILLS

Senate File 316, by committee on emergency legislation, a bill for an act to amend House File Three Hundred Thirty-one (331) Acts of the Special Session, Forty-fifth General Assembly, relating to the nature of certificates provided for therein.

Read first and second times and referred to sifting committee.

SENATE CONCURRENT RESOLUTION 10 CONSIDERED

Senator Patterson called up for consideration Senate Concurrent Resolution 10, relating to Iowa exhibit at Century of Progress, as found on page 1013 of the Senate journal and moved its adoption.

Senator Hill moved the previous question, which motion prevailed.

Roll call was demanded.

On the question "Shall the resolution be adopted?" the vote was:

Ayes, 32.

Aschenbrenner	Doze	Knudson	Shangle
Beardsley	Elthon	Leo	Stanley
Beatty	Fisch	Miller of	Stevens of
Bennett	Geske	Buchanan	Wapello
Booth	Hill	Patterson	Topping
Byers	Hopkins	Pendray	Tripp
Calhoun	Hush	Reese	Wenner
Carden	Husted	Ritchie	Wilson
Coykendall	Klemme		

Nays, 3.

Anderson	Baldwin	Schmidt
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Present, 3.

Frailey	Mullaney	Stevens of Decatur
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Absent or not voting, 12.

Chrystal	Irwin	Meyer	Nelson
Harrington	Kimberly	Miller of Jones	Roelofs
Hicklin	McArthur	Moore	Valentine

The resolution was adopted.

SENATE CONCURRENT RESOLUTION 12 CONSIDERED

Senator Beardsley called up for consideration the following concurrent resolution and moved its adoption:

Be It Resolved by the Senate, the House concurring, That the Forty-fifth General Assembly in Extraordinary Session adjourn, sine die, at 5 o'clock P. M. Saturday, February 24, 1934.

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate except Senators Hicklin and Harrington.

Awaiting the completion of the call, the Senate proceeded with other business.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: House Files 318, 320, 321, 328 and 97.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House Files 318, 320, 321, 328, and 97.

SPECIAL ORDER HOUSE FILE 185 CONSIDERED

On motion of Senator Knudson, House File 185, a bill for an act to amend, revise and codify chapter two hundred fifty-one A one (251-A1) Code, 1931, and chapters seventy-five (75) and eighty-six (86) of the Acts of the Forty-fifth (45th) General Assembly relating to the collection of license fees on all motor vehicle fuel used or otherwise disposed of in the state of Iowa; to define motor vehicle fuel; to impose a license fee of three cents per gallon or fraction of a gallon on all motor vehicle fuel sold or used in the state of Iowa; to make provision for payment and collection of said license fee; to provide for the licensing of distributors of motor vehicle fuel, service station operators selling motor vehicle fuel, and conveyances used to transport motor vehicle fuel, in this state; to provide for the revocation of such licenses; to prescribe the records to be kept and reports to be made and duties to be performed by all persons so licensed; to require all carriers or other persons delivering motor vehicle fuel to persons in this state from outside the State to report to the Treasurer of State all such deliveries; to provide for refunding under certain conditions of all motor vehicle fuel license fees paid on such fuel not used in connection with the operation of motor vehicles upon the public highway and to provide for the licensing of applicants for said refunds; to prescribe the purposes and objects for which said motor vehicle fuel license fees shall be used; and to provide penalties for the violation of the provisions

of this act, returned by the committee on motor vehicles without recommendation, was taken up and considered.

The bill was read for information.

Senator Hicklin appeared in the Senate chamber.

By unanimous consent, on request of Senator Knudson, Attorney Powers was allowed the privilege of addressing the Senate on House File 185.

By unanimous consent, on request of Senator Topping, State Chemist E. L. Redfern was allowed to address the Senate.

Senator Shangle moved to recess until 1:25 p. m. today.

Senator Coykendall moved to amend by making the time 1:00 p. m.

Senator Topping, as a substitute for all pending amendments and motions, moved to recess until 1:30 p. m. today.

The substitution was made.

The substitute motion prevailed and the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

REPORT OF CONFERENCE COMMITTEE ON SENATE FILE 273

MR. PRESIDENT AND MR. SPEAKER: Your conference committee appointed to consider the differences between the Senate and the House on Senate File 273, begs leave to report it has had the same under consideration and recommends:

That the House recede from its amendments.

That section two (2) be struck out and the following inserted:

"Sec. 2. If any member of said board or the county engineer negligently fails to perform the duty herein imposed upon him, he shall be guilty of a misdemeanor and upon conviction, shall be fined not to exceed the sum of twenty-five dollars (\$25.00)."

That the title be amended by striking all after the word "and" in line eight (8) and inserting in lieu thereof the following:

"to fix the penalty for the negligent failure to perform said duty and for the wrongful removal of said erections."

I. M. REED.

ARCH W. McFARLANE.

WALTER OSBORN.

JAS. G. CASEY.

CHAS. D. BOOTH.

JOHN N. CALHOUN.

FRANK I. COYKENDALL.

T. W. MULLANEY.

On the part of the House.

On the part of the Senate.

Passed on file.

CONFERENCE COMMITTEE REPORT ON HOUSE FILE 1
CONSIDERED

Senator Valentine called up for consideration the conference committee report on House File 1, as found on pages 1178 to 1181 inclusive, of the Senate journal.

There being a call on file, roll call revealed the presence of all members of the Senate except Senator Harrington.

Senator Valentine moved that the report of the committee be adopted and the amendments proposed therein concurred in.

Senator Harrington appeared in the Senate chamber and the call was declared complete.

President pro tempore Harold L. Irwin was called to the chair at 2:05 p. m.

President N. G. Kraschel returned to the chair at 2:08 p. m.

Senator Pendray moved the previous question, which motion prevailed.

Senator Patterson arose to ask a question.

Senator Frailey raised the point of order that Senator Valentine had the closing argument and Senator Patterson was out of order.

The President held that Senator Patterson could ask a question, if the Senator speaking last wished to yield.

Rule 8 was invoked.

On the question "Shall the report be adopted and the amendments therein proposed concurred in?" the vote was:

Ayes, 29.

Anderson	Doze	McArthur	Roelofs
Aschenbrenner	Frailey	Meyer	Schmidt
Baldwin	Geske	Miller of	Shangle
Bennett	Harrington	Buchanan	Stanley
Byers	Hush	Miller of Jones	Stevens of
Carden	Irwin	Moore	Decatur
Chrystal	Kimberly	Mullaney	Valentine
Coykendall	Knudson	Pendray	

Nays, 21.

Beardsley	Hicklin	Leo	Stevens of
Beatty	Hill	Nelson	Wapello
Booth	Hopkins	Patterson	Topping
Calhoun	Husted	Reese	Tripp
Elthon	Klemme	Ritchie	Wenner
Fisch			Wilson

Absent or not voting, none.

The report was adopted and the amendments therein proposed concurred in.

SENATE CONCURRENT RESOLUTION NO. 12
RESUMED

There being a call of the Senate on file, roll call revealed the presence of all Senators and the call was declared complete.

Senator Beardsley called up for consideration Senate concurrent Resolution 12, upon which action was deferred before recess at noon.

By unanimous consent, on request of Senator Harrington, his amendment to the resolution as found on page 1182 of the Senate journal was withdrawn.

Senator Beardsley offered the following amendment and moved its adoption:

Amend by striking the words and figures "Saturday, February 24," and inserting in lieu thereof the words and figures "Friday, March 2".

Senator Geske moved that Senate Concurrent Resolution 12 and its amendments be laid on the table.

Roll call was demanded.

On the question "Shall the motion to table prevail?" the vote was:

Ayes, 28.

Anderson	Geske	Miller of	Shangle
Aschenbrenner	Harrington	Buchanan	Stevens of
Baldwin	Kimberly	Miller of Jones	Decatur
Chrystal	Klemme	Moore	Stevens of
Coykendall	Knudson	Mullaney	Wapello
Doze	McArthur	Reese	Topping
Fisch	Meyer	Roelofs	Tripp
Frailey		Schmidt	Valentine

Nays, 20.

Beardsley	Calhoun	Hopkins	Pendray
Beatty	Carden	Hush	Ritchie
Bennett	Elthon	Husted	Stanley
Booth	Hicklin	Leo	Wenner
Byers	Hill	Patterson	Wilson

Absent or not voting, 2.

Irwin Nelson

The motion to table prevailed .

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption :

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, Senate File 295.

HOMER HUSH, *Chairman Senate Committee.*

A. R. WEED, *Member House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate File 295.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 22nd day of February, 1934, sent to the Governor for his approval, Senate File No. 295.

HOMER HUSH, *Chairman.*

Passed on file.

REPORTS OF COMMITTEE

Senator Leo submitted the following reports:

MR. PRESIDENT: Your committee on appropriations to which was referred House File 151, a bill for an act to provide an appropriation to defray the expenses of the Supreme Court and the judges thereof during the biennium from July first nineteen hundred thirty-three to June thirtieth nineteen hundred thirty-five, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also :

Your committee on appropriations to which was referred House File 296, a bill for an act to amend Section thirty-four (34), Chapter One hundred eighty-eight (188), laws of the forty-fifth General Assembly, relating to payments to the State Printing Board, for work and supplies furnished to certain state departments, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

Also :

Your committee on appropriations to which was referred House File 300, a bill for an act to make an appropriation for the payment of the extra expense of the State Printing Board incurred by and on account of the forty-fifth extraordinary session of the General Assembly, begs leave to report it has had the same under consideration and returns the bill without recommendation.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

EXPLANATION OF VOTE

MR. PRESIDENT: I desire to make the following explanation of my vote of no, on House File 292, called the State Liquor Control Bill, which passed the Senate February 19 by a vote of 29 to 20.

It is true that I voted for the beer bill in the regular session of the Forty-fifth General Assembly because the majority of my people asked for a law whereby they might be permitted to buy a glass of beer without being criminally liable, but they were opposed to hard liquor and to having saloons again. Therefore, I am not ready and willing to knock down the bars and make Iowa the dumping ground for the liquor of the world. Neither am I willing to vote for an appropriation of a half million dollars, which the bill provides, so that Iowa can go into the liquor business. I will ask and answer this question: Who must foot the bill? The tax payer. These are the reasons why I voted as I did on House File 292.

WM. H. KLEMME.

The journal of February 21st was corrected and approved.

AMENDMENT FILED

Amend the amendment to House File 185, as found on page 1015 of the Senate journal, by striking the figures "250" in line 9 of section 1, and inserting in lieu thereof the figures "300".

Further amend by striking from line 10 the figures "450" and inserting in lieu thereof the figures "500".

FRED W. NELSON.

On motion of Senator Schmidt the Senate adjourned until 10:00 a. m. Friday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 23, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. A. R. Weed, pastor of the West Star and Worthington churches of Winterset.

INTRODUCTION OF BILLS

Senate File 317, by committee on public schools, a bill for an act to repeal section two (2), chapter sixty-four (64), acts of the forty-fifth (45th) General Assembly, relative to printing and furnishing of school records by the state of Iowa.

Read first and second times and referred to sifting committee.

Senator Tripp submitted the following resolution:

BERGMAN MEMORIAL RESOLUTION

Whereas, Honorable A. H. Bergman, a former member of this body in the Fortieth, Fortieth Extra, Forty-first, Forty-second, Forty-second Extra, and Forty-third General Assemblies, died on the 2nd day of November, 1933, therefore,

Be It Resolved, That a committee be appointed to draft a suitable memorial to his services in this body.

By unanimous consent, on request of Senator Tripp, the rules were suspended and the resolution taken up and considered.

The resolution was adopted and the President appointed on such committee, Senators Tripp, Shangle and Wilson.

Senator Carden submitted the following resolution:

SEELEY MEMORIAL RESOLUTION

Whereas, The Honorable William B. Seeley, who was a member of the Senate in the Thirty-second and Thirty-third General Assemblies, died in Mt. Pleasant, Iowa, April 14, 1933, therefore,

Be It Resolved by the Senate of the Forty-fifth General Assembly, Extraordinary Session, That the President of the Senate appoint a com-

mittee of three to draft suitable resolutions commemorating the life, character and service of this former member of this body.

By unanimous consent, on request of Senator Carden, the rules were suspended and the resolution taken up and considered.

The resolution was adopted and the President appointed on such committee, Senators Carden, Frailey and Calhoun.

SENATE FILE 298 RESUMED

Senator Wilson called up for consideration Senate File 298, upon which action was deferred, as shown on page 1169 of the Senate journal.

By unanimous consent, on request of Senator Wenner, his amendment, as found on page 1169 of the Senate journal, was withdrawn.

Senator Wenner offered the following amendment and moved its adoption:

Amend by striking all of Section 1 and inserting in lieu thereof, the following:

"Section 1. That Section five thousand six hundred thirty-five (5635), Code 1931, be and the same is hereby repealed and the following enacted in lieu thereof:

5635. Police matrons—appointment—number. In cities having a population of twenty-five thousand, and less than sixty thousand, for each station house provided therein for the detention or imprisonment of women or children under arrest, the mayor may appoint one or more women, residents of the city, as police matrons, who shall be over thirty years of age. The appointees shall be, so far as applicable, subject to the same regulations and restrictions as policemen, and hold their positions during good behavior, unless by reason of age or infirmity they become incapacitated to perform the duties of the position. In cities having a population of sixty thousand or more, and, in cities operating under the manager plan with a population of not less than twenty thousand there shall be appointed from the civil service list one or more women as police matrons, who shall be over thirty years of age. Such appointees shall be, so far as applicable, subject to the same regulations and restrictions as policemen."

Further amend by striking Section two (2) and by substituting therefor, the following:

"Sec. 2. That section five thousand six hundred ninety-four (5694), Code 1931, be and the same is hereby amended by striking the word 'matrons' in line thirty-four (34) thereof, and by inserting in lieu of the word stricken the following: 'Matrons in cities having a population under sixty thousand and in cities operating under the manager plan with a population of not less than twenty thousand'."

By unanimous consent, on request of Senator Wenner, the amendment was amended by striking from the last line the word "not".

The amendment as amended was adopted.

Senator Wilson moved that the reading previously had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 45.

Aschenbrenner	Fisch	Leo	Ritchie
Beardsley	Frailey	McArthur	Schmidt
Beatty	Geske	Meyer	Shangle
Bennett	Harrington	Miller of	Stanley
Booth	Hicklin	Buchanan	Stevens of
Byers	Hill	Miller of Jones	Decatur
Calhoun	Hopkins	Moore	Stevens of
Carden	Hush	Mullaney	Wapello
Chrystal	Husted	Nelson	Topping
Coykendall	Irwin	Patterson	Tripp
Doze	Kimberly	Pendray	Wenner
Elthon	Klemme	Reese	Wilson

Nays, none.

Absent or not voting, 5.

Anderson	Knudson	Roelofs	Valentine
Baldwin			

The bill having received a constitutional majority was declared to have passed the Senate.

Senator Wilson moved that the title be amended to read as follows:

"A bill for an act to repeal section fifty-six hundred thirty-five (5635), Code, 1931, and to enact a substitute therefor relating to appointment of police matrons; and to amend sections fifty-six hundred ninety-four (5694) and fifty-six hundred ninety-six (5696), Code, 1931, relating to civil service appointments and examinations."

The amendment was adopted and the title as amended agreed to.

CONFERENCE COMMITTEE REPORT ON SENATE FILE 273

Senator Booth called up the following report and moved that the report be adopted and the amendments therein proposed concurred in.

MR. PRESIDENT AND MR. SPEAKER: Your conference committee appointed to consider the differences between the Senate and the House

on Senate File 273, begs leave to report it has had the same under consideration and recommends:

That the House recede from its amendments.

That section two (2) be struck out and the following inserted:

"Sec. 2. If any member of said board or the county engineer negligently fails to perform the duty herein imposed upon him, he shall be guilty of a misdemeanor and upon conviction, shall be fined not to exceed the sum of twenty-five dollars (\$25.00),"

That the title be amended by striking all after the word "and" in line eight (8) and inserting in lieu thereof the following:

"to fix the penalty for the negligent failure to perform said duty and for the wrongful removal of said erections."

On the question "Shall the report be adopted and the amendments therein proposed concurred in?" the vote was:

Ayes, 42.

Aschenbrenner	Harrington	McArthur	Schmidt
Beardsley	Hicklin	Meyer	Shangle
Bennett	Hill	Miller of	Stanley
Booth	Hopkins	Buchanan	Stevens of
Byers	Hush	Miller of Jones	Decatur
Calhoun	Husted	Moore	Stevens of
Carden	Irwin	Mullaney	Wapello
Doze	Kimberly	Nelson	Topping
Elthon	Klemme	Patterson	Tripp
Fisch	Knudson	Pendray	Wenner
Frailey	Leo	Reese	Wilson
Geske			

Nays, none.

Absent or not voting, 8.

Anderson	Beatty	Coykendall	Roelofs
Baldwin	Chrystal	Ritchie	Valentine

The report was adopted and the amendments therein proposed concurred in.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House refuses to concur in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 292, a bill for an act to promote temperance in the state of Iowa; to create a Liquor Control Commission; to prescribe its powers, duties, and to provide for the control by such commission of the alcoholic liquor traffic within the state of Iowa.

VIRGIL LEKIN, *Chief Clerk.*

SPECIAL ORDER
HOUSE FILE 185 RESUMED

Senator Knudson called up for consideration House File 185 upon which action was deferred, as shown on page 1188 of the Senate journal.

Senator Hush offered the following amendments and moved their adoption:

1. Amend Section two (2) by striking the period in line thirty-four (34) and substituting in lieu thereof the following:

“; provided however that any such product or substance that has a flash point less than one hundred (100) degrees Fahrenheit as determined by the Tagliabue Closed Cup Test, or has an initial boiling point of less than three hundred (300) degrees Fahrenheit as determined by the Method of the American Society of Testing Materials, or has a ninety per cent (90%) distillation point at less than five hundred (500) degrees Fahrenheit as determined by the Method of the American Society of Testing Materials, shall be regarded as capable of operating such internal combustion engines without combination with other substances.”

2. Further amend Section two (2) by striking lines thirty-five (35) to forty-one (41) inclusive and substituting therefor the following:

“The Treasurer is authorized to raise the above specifications from time to time by regulations issued and published by him as advances are made in the production of motor vehicle fuel and in the devices for the consumption of motor vehicle fuel by motor vehicles.”

3. Further amend Section fourteen (14), by striking the period in line thirty-four (34) thereof and adding the following:

“; provided however that tax free sales of fuel oil may be made by fuel oil dealers or fuel oil distributors for the purpose of operating tractors used for agricultural purposes to persons holding refund permits issued under the provisions of this act, but in such event the purchasers must sign the exemption certificate stating the purpose for which such fuel is to be used, and indorse thereon his refund permit number.”

Senator Hush offered the following amendment to the amendment and moved its adoption:

Amend by striking in line eight (8), the words and figures “five hundred (500)” and inserting in lieu thereof the words and figures “four hundred seventy-five (475)”.

Senator Topping, as a substitute for the pending amendment to the amendment, offered the following amendment and moved its adoption:

Amend by striking from line 8 the words and figures “five hundred (500)” and inserting in lieu thereof the words and figures “four hundred fifty (450)”.

Roll call was demanded on the substitution.

Senator Elthon moved the previous question on the substitution, which motion prevailed.

On the question "Shall the substitution be made?" the vote was:

Ayes, 1.

Patterson

Nays, 44.

Anderson	Frailey	McArthur	Schmidt
Aschenbrenner	Geske	Meyer	Shangle
Beardsley	Harrington	Miller of	Stanley
Beatty	Hill	Buchanan	Stevens of
Bennett	Hopkins	Miller of Jones	Decatur
Booth	Hush	Moore	Stevens of
Byers	Husted	Mullaney	Wapello
Carden	Irwin	Nelson	Topping
Chrystal	Kimberly	Pendray	Tripp
Doze	Klemme	Reese	Wenner
Elthon	Knudson	Ritchie	Wilson
Fisch	Leo	Roelofs	

Absent or not voting, 5.

Baldwin	Coykendall	Hicklin	Valentine
Calhoun			

The substitution was lost. The amendment to the amendment was adopted.

Division of the question was asked.

The first amendment to section 2 was adopted.

The question was on the second amendment to section 2.

Senator Shangle offered the following amendment to the pending amendment and moved its adoption:

Amend by striking from line 3 the word "authorized" and inserting in lieu thereof the word "directed".

The amendment to the amendment was lost.

Senator Elthon offered the following amendment to the amendment and moved its adoption:

Amend line 4 by striking therefrom the word "advances" and inserting in lieu thereof the word "changes".

The amendment to the amendment was adopted.

Senator Topping offered the following amendment to the amendment and moved its adoption:

Amend line 3 by striking therefrom the word "raise" and inserting in lieu thereof the word "change".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

The question was on the pending amendment to section 14.

Senator Hush offered the following amendment to the amendment and moved its adoption:

Amend line 6 by striking the word "purchasers" and inserting in lieu thereof the word "purchaser".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

On motion of Senator Shangle the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 336, a bill for an act relating to the manufacture, sale and distribution of beer; defining beer; providing for the regulation of the manufacture, sale and distribution of beer; providing revenue for the state of Iowa.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENTS CONSIDERED

Senator McArthur called up for consideration Senate File 233, amended by the House, and moved that the Senate concur in the following amendments:

Amend section eight (8), line 21, by striking the "period" after the word "assessment" and adding the following:

"and provided further that the amount of the reassessment on a particular piece of land shall be in direct proportion to the amount of delinquent payments on said land and provided further that no assessment or expenses incidental thereto, for the payment of drainage bonds or improvement certificates under this act, shall be levied against any tract of land where the owner of said land had previously paid all of his assessment."

Amend section nine (9), line 21, by striking the "period" following the word "issued" and add the following:

"subject to the provisions of section eight (8)."

Senators McArthur and Hicklin offered the following amendment and moved its adoption:

Amend by striking from line five (5) the words "delinquent payments" and inserting in lieu thereof the words "unpaid assessments".

The amendment to the amendment was adopted.

On the question "Shall the Senate concur in the amendments as amended?" the vote was:

Ayes, 46.

Aschenbrenner	Fisch	McArthur	Roelofs
Baldwin	Frailey	Meyer	Schmidt
Beardsley	Geske	Miller of	Shangle
Beatty	Harrington	Buchanan	Stanley
Bennett	Hicklin	Miller of Jones	Stevens of
Booth	Hopkins	Moore	Decatur
Byers	Hush	Mullaney	Stevens of
Calhoun	Irwin	Nelson	Wapello
Carden	Kimberly	Patterson	Topping
Chrystal	Klemme	Pendray	Valentine
Coykendall	Knudson	Reese	Wenner
Doze	Leo	Ritchie	Wilson
Elthon			

Nays, none.

Absent or not voting, 4.

Anderson	Hill	Husted	Tripp
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The House amendments as amended having received a constitutional majority were declared to have been adopted and concurred in by the Senate.

HOUSE FILE 185 RESUMED

Senator Wenner moved to reconsider the vote by which the following amendment was adopted by the Senate:

Further amend Section two (2) by striking lines thirty-five (35) to forty-one (41) inclusive and substituting therefor the following:

"The Treasurer is authorized to change the above specifications from time to time by regulations issued and published by him as changes are made in the production of motor vehicle fuel and in the devices for the consumption of motor vehicle fuel by motor vehicles."

The motion prevailed.

Senator Byers moved the previous question, which motion prevailed.

Roll call was demanded.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 33.

Anderson	Geske	Meyer	Shangle
Aschenbrenner	Hill	Miller of Jones	Stanley
Baldwin	Hopkins	Mullaney	Stevens of
Booth	Hush	Nelson	Decatur
Chrystal	Irwin	Pendray	Stevens of
Coykendall	Kimberly	Reese	Wapello
Doze	Knudson	Ritchie	Tripp
Elthon	Leo	Roelofs	Valentine
Frailey	McArthur	Schmidt	

Nays, 14.

Beardsley	Calhoun	Klemme	Topping
Beatty	Carden	Miller of	Wenner
Bennett	Fisch	Buchanan	Wilson
Byers	Husted	Patterson	

Absent or not voting, 3.

Harrington	Hicklin	Moore
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The amendment was adopted.

Senator Hush offered the following amendment and moved its adoption:

Amend section twenty-four (24) by striking from lines three (3), four (4) and five (5) thereof the following phrase:

"where the fuel was not sold for use either alone or in combination with other substances in an internal combustion engine" and substituting in lieu thereof the following:

"where a certificate of purchase or certificate of exemption was received in connection with such sale".

The amendment was adopted.

Senator Hush offered the following amendment and moved its adoption:

Amend section 2 by striking all of sub-section (k) after the word "state" in line seventy (70) and substituting in lieu thereof the following:

"for such purposes as shall allow the purchaser to obtain the same tax free under the provisions of this act."

The amendment was adopted.

Senator Patterson offered the following amendment and moved its adoption:

Amend section 29, line 41, by striking the word "and" and inserting in lieu thereof the term "and/or".

The amendment was adopted.

Senator Topping called up for consideration the amendment offered by himself, Senators Patterson, Nelson and Miller of Buchanan, as found on pages 1014, 1015, 1016 and 1017.

Senator Topping moved that the amendment be read.

The motion prevailed.

Senator Topping moved the adoption of the amendment.

Roll call was demanded.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 6.

Calhoun	Hopkins	Topping	Wenner
Hicklin	Patterson		

Nays, 37.

Anderson	Elthon	Knudson	Reese
Aschenbrenner	Fisch	Leo	Schmidt
Beardsley	Frailey	McArthur	Shangle
Bennett	Geske	Meyer	Stanley
Booth	Harrington	Miller of	Stevens of
Byers	Hill	Buchanan	Decatur
Carden	Hush	Miller of Jones	Stevens of
Chrystal	Irwin	Moore	Wapello
Coykendall	Kimberly	Mullaney	Tripp
Doze	Klemme	Pendray	Valentine

Absent or not voting, 7.

Baldwin	Husted	Ritchie	Wilson
Beatty	Nelson	Roelofs	

The amendment was lost.

Senator Beatty asked unanimous consent to defer action for half an hour for further study.

Objection was raised.

Senator Knudson moved that the reading previously had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 45.

Anderson	Bennett	Coykendall	Geske
Aschenbrenner	Booth	Doze	Harrington
Baldwin	Byers	Elthon	Hicklin
Beardsley	Carden	Fisch	Hill
Beatty	Chrystal	Frailey	Hopkins

Hush	McArthur	Nelson	Stevens of
Husted	Meyer	Pendray	Decatur
Irwin	Miller of	Reese	Stevens of
Kimberly	Buchanan	Schmidt	Wapello
Klemme	Miller of Jones	Shangle	Tripp
Knudson	Moore	Stanley	Valentine
Leo	Mullaney		Wenner
			Wilson

Nays, 4.

Calhoun	Patterson	Ritchie	Topping
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Absent or not voting, 1.

Roelofs

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

HOUSE FILE 292 CONSIDERED

Senator Frailey called up for consideration House File 292, on which the House refused to concur in the Senate amendments, and moved that the Senate insist on its amendments.

On the question "Shall the Senate insist?" the vote was:

Ayes, 40.

Anderson	Doze	Klemme	Shangle
Aschenbrenner	Fisch	Knudson	Stanley
Baldwin	Frailey	McArthur	Stevens of
Beardsley	Geske	Meyer	Decatur
Bennett	Harrington	Miller of	Stevens of
Booth	Hicklin	Buchanan	Wapello
Byers	Hill	Moore	Topping
Calhoun	Hopkins	Mullaney	Valentine
Carden	Hush	Patterson	Wenner
Chrystal	Irwin	Reese	Wilson
Coykendall	Kimberly	Schmidt	

Present, 1.

Miller of Jones

Nays, 1.

Ritchie

Absent or not voting, 8.

Beatty	Husted	Nelson	Roelofs
Elthon	Leo	Pendray	Tripp

The Senate insisted on its amendments to House File 292.

CONFERENCE COMMITTEE ON HOUSE FILE 292

The President appointed as members of the Senate conference committee on House File 292, Senators Frailey, Roelofs, Harrington and Irwin.

MOTION TO RECONSIDER SENATE FILE 21 WITHDRAWN

By unanimous consent, on request of Senator Tripp, his motion to reconsider Senate File 21, as found on page 510 of the Senate journal, was withdrawn.

Senator Harrington moved that all bills on the calendar under the heading of unfinished business be referred to the sifting committee.

Roll call was demanded.

On the question "Shall the motion prevail?" the vote was:

Ayes, 1.

Baldwin

Nays, 44.

Anderson	Geske	McArthur	Shangle
Aschenbrenner	Harrington	Meyer	Stanley
Beardsley	Hicklin	Miller of	Stevens of
Beatty	Hill	Buchanan	Decatur
Bennett	Hopkins	Moore	Stevens of
Booth	Hush	Mullaney	Wapello
Calhoun	Husted	Nelson	Topping
Carden	Irwin	Patterson	Tripp
Chrystal	Kimberly	Pendray	Valentine
Coykendall	Klemme	Ritchie	Wenner
Doze	Knudson	Roelofs	Wilson
Fisch	Leo	Schmidt	

Absent or not voting, 5.

Byers	Frailey	Miller of Jones	Reese
Elthon			

The motion was lost.

SENATE FILE 28 CONSIDERED

Senator Anderson called up for consideration Senate File 28, upon which action was deferred, as shown on page 199 of the Senate journal.

By unanimous consent, on request of Senator Chrystal, his amendment as found on page 202 of the Senate journal was withdrawn.

Action was deferred temporarily.

INTRODUCTION OF BILLS

Senate File 318, by committee on cities and towns, a bill for an act to amend section sixty-six hundred ten-c thirty-seven (6610-

c37) of the Code of Iowa, 1931, relating to street improvements and sewers in cities under the commission form of government, granting authority to the court to amend any schedule of assessments by postponing the due date of any installment which falls due before the acceptance of the work to a date following the due date of the last installment in the original schedule of assessments.

Read first and second times and referred to sifting committee.

Senate File 319, by committee on cities and towns, a bill for an act to amend section fifty-nine hundred eighty-one (5981) Code of Iowa, 1931, relating to street improvements, sewers and special assessments, gas, water and other connections, and providing for the installation of said connections by cities and towns if the owner fails to make said connections, as provided in said section.

Read first and second times and referred to sifting committee.

Senate File 320, by committee on cities and towns, a bill for an act to authorize municipalities, as an emergency measure to be financed only through the Federal Emergency Administration of Public Works, to purchase, establish, construct, reconstruct, extend, repair, maintain and operate armories, and pay for the same solely and only out of the earnings thereof; to authorize the issuance of revenue bonds payable solely and only out of the revenues thereof, and authorizing the pledge of property thus purchased and the revenues from such entire armory to the payment of such revenue bonds.

Read first and second times and referred to sifting committee.

Senate File 321, by committee on emergency legislation, a bill for an act to amend paragraph numbered five (5) of section sixty-nine hundred forty four (6944) of the Code, 1931, relating to exemption of property from taxation.

Read first and second times and referred to sifting committee.

Senate File 322, by committee on emergency legislation, a bill for an act to amend Section two (2), Chapter sixty-four (64), Acts of Forty-fifth (45th) General Assembly, relating to uniform cost accounting and financial record of schools.

Read first and second times and referred to sifting committee.

Senate File 323, by committee on judiciary No. 1, a bill for an act to amend the law as it appears in Title XVI, Chapter three hundred twenty-nine-C two (329-C2), section six thousand nine hundred forty-three-c eighteen (6943-c18), Code, 1931, as amended by section twenty-three (23), chapter eighty-nine (89), laws of the Forty-fifth (45th) General Assembly, relating to the compensation of the members of the State Board of Assessment and Review.

Read first and second times and referred to sifting committee.

HOUSE MESSAGE CONSIDERED

House File 336, a bill for an act to repeal Chapter thirty-eight (38), Acts of the forty-fifth General Assembly and to amend Chapter thirty-seven (37), Acts of the forty-fifth General Assembly relating to the manufacture, sale and distribution of beer; defining beer; providing for the regulation of the manufacture, sale and distribution of beer; providing revenue for the State of Iowa and certain of its municipal subdivisions, including cities and towns under special charter, by taxation of and from permits to manufacture and/or sell beer and providing for issuance of permits therefore and by providing penalties for the violation of the provisions hereof.

Read first and second times and referred to sifting committee.

The journal of February 22d was corrected and approved.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File No. 185 passed the Senate.

F. M. BEATTY.

REPORT OF SIFTING COMMITTEE

MR. PRESIDENT: Your sifting committee begs leave to report that it has had the following bills under consideration and recommends that they be placed on the calendar: Senate File 316, Senate File 322, Senate File 321, House File 223, House File 336, Senate File 313, House File 269, House File 304, House File 216, Senate File 66. M. X. GESKE, *Chairman*.

On motion of Senator Beardsley, the Senate adjourned until 10:00 a. m. Saturday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 24, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. C. E. Lookingbill of Nevada, member of the House of Representatives.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Chrystal for the day, on request of Senator Mullaney.

By unanimous consent, all absent Senators were excused for the day.

PETITIONS AND MEMORIALS

The following petition was presented and referred to the designated committee:

Favoring tax on chain stores. Senator Patterson from business men of Algona, Wesley, Titonka, Fenton, Burt, Lone Rock and Whittemore. Sifting committee.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 239, a bill for an act relating to limitation of the boundaries of a benefited water district, creating a board of trustees to supervise and manage such district, and by changing the method of taxing property for establishing and maintaining said district.

Also: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 252, a bill for an act relating to the sealing of grain warehouses; charges to be paid; and who shall be members of the local board.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENTS TO SENATE FILE 239

Amend section two (2) by adding as paragraph three (3) the following:

"In any city, town, township or benefited district, this act shall become operative when it shall have been submitted to the voters of said city, town, township or benefited district upon a petition of ten per cent of the qualified electors of said city, town, township or benefited district, having been presented to the Board of Supervisors of the County, requesting such election, which shall be called within fifteen days after the filing of said petition with the Board of Supervisors, unless a regular city, town, township or district election shall be held within thirty days of the filing of said petition, in which case the question shall be submitted to the voters at said general election.

If the majority of the votes cast at said election be in favor thereof, said water system shall be established as herein provided."

Amend the title by striking the "period" at the end thereof and adding the following:

"and providing for the submission of the question to the voters."

HOUSE AMENDMENTS TO SENATE FILE 252

Amend Senate File 252 by striking all after the enacting clause and by substituting therefor, the following:

"Section 1. Amend, revise and codify section ninety-seven hundred sixty-two (9762), Code, 1931, to read as follows:

'9762. Local sealers. The board shall submit to the secretary of agriculture the name of some person or persons, none of whom shall be members of said board, who shall, subject to the approval of the secretary of agriculture, act as the local sealer or sealers, and every such sealer shall have the same authority with respect to the provisions of this chapter and the rules and regulations promulgated thereunder, and the enforcement thereof, as any officer of the peace.'

Sec. 2. Amend, revise and codify section ninety-seven hundred ninety-five (9795), Code, 1931, to read as follows:

'9795. Supervision fund—disbursement. For the purposes of defraying the expenses of supervision, the owner shall pay to the board at the time of sealing, an amount which shall not exceed one cent per bushel of grain inspected and sealed by the sealer. In no case shall the cost to the owner of the grain, housed in a single warehouse, be less than one dollar, nor more than twenty dollars. Out of the fund thus created the compensation of the sealer, as fixed by the board, subject to the approval of the secretary of agriculture, and all other expenses, shall be paid.'

Sec. 3. Amend, revise and codify section ninety-seven hundred ninety-eight (9798), Code, 1931, to read as follows:

'9798. Fees of the secretary of agriculture. The secretary of agriculture shall receive the following fees for services rendered under the provisions of this chapter:

1. For issuing licenses in each case, three dollars.

2. For approving the applications for group organizations, one dollar.'

Sec. 4. That chapter four hundred twenty-seven (427), Code, 1931, be amended by inserting immediately after section ninety-seven hundred seventy-seven (9777), the following:

'9777-f1. When a certificate has been recorded and for any reason whatsoever is not negotiated or delivered to the assignee named therein, such certificate may be reassigned to the original owner upon the written request of the official sealer who issued said certificate providing said sealer, or his successor in office, shall write across the face of the original certificate the word 'Void' in ink or indelible pencil, and providing said sealer presents said original certificate at the office of the county recorder. The county recorder shall enter upon the index book 'Reassigned to the original owner before delivery' and forward said original certificate to the secretary of agriculture within twenty-four hours.'

Sec. 5. This act, being deemed of immediate importance, shall be in full force and effect from and after its publication in the *Newell Mirror*, a newspaper published in Newell, Iowa, and in the *Van Buren Record*, a newspaper published in Bonaparte, Iowa."

Amend the title by striking all after the word "Act" in line one (1) thereof, and substituting therefor the following:

"to amend, revise and codify sections ninety-seven hundred sixty-two (9762), ninety-seven hundred ninety-five (9795), and ninety-seven hundred ninety-eight (9798), Code, 1931, and to amend chapter four hundred twenty-seven (427), Code, 1931, relating to the charges to be paid by the owners of grain at the time of the sealing of the warehouse, the fees of the sealer and the secretary of agriculture and releasing the warehouse certificates; providing that the sealers appointed by the secretary of agriculture shall not be members of the local board—all under the unbonded agricultural warehouse act."

Senators Booth and Chrystal submitted the following resolution:

HOLDEN MEMORIAL RESOLUTION

Whereas, Honorable James W. Holden of Scranton, Iowa, served as a member of the State Highway Commission for fourteen years, from its organization in 1913 until 1927; and

Whereas, During these years Mr. Holden gave his time, his energy and his great abilities, without limit, to the service of the State; and

Whereas, During his service on the Highway Commission, Mr. Holden had a large part in building the organization, shaping the policies and planning the program which has given Iowa one of the finest highway systems of any State in the Union; now, therefore,

Be It Resolved by the Senate of the Forty-fifth General Assembly of the State of Iowa, in extraordinary session, That we hereby acknowledge our debt of gratitude for Mr. Holden's great and unselfish service to this State;

That in the death of Mr. Holden the State has lost one of its finest sons; and

That we hereby express to his children our sincere sympathy in their bereavement.

Be It Further Resolved, That the Secretary of the Senate is instructed to forward a copy of this resolution to the Holden family.

By unanimous consent, on request of Senator Booth, the rules were suspended and the resolution unanimously adopted.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Stevens of Wapello, Senate File No. 321, a bill for an act to amend paragraph numbered five (5) of section sixty-nine hundred forty four (6944) of the Code, 1931, relating to exemption of property from taxation, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Stevens of Wapello moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 29.

Beardsley	Hush	Miller of Jones	Stevens of
Beatty	Husted	Mullaney	Decatur
Booth	Kimberly	Patterson	Stevens of
Coykendall	Klemme	Pendray	Wapello
Doze	Leo	Reese	Topping
Elthon	Meyer	Roelofs	Valentine
Geske	Miller of	Schmidt	Wilson
Hill	Buchanan	Stanley	
Hopkins			

Nays, none.

Absent or not voting, 21.

Anderson	Carden	Hicklin	Nelson
Aschenbrenner	Chrystal	Irwin	Ritchie
Baldwin	Fisch	Knudson	Shangle
Bennett	Frailey	McArthur	Tripp
Byers	Harrington	Moore	Wenner
Calhoun			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Stevens of Wapello moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Stevens of Wapello, the bill was messaged to the House immediately.

By unanimous consent, on motion of Senator Pendray, Senate File No. 322, a bill for an act to amend Section two (2), Chapter sixty-four (64), Acts of Forty-fifth (45th) General Assembly, relating to uniform cost accounting and financial record of schools, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Pendray moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 27.

Beardsley	Hush	Miller of Jones	Stanley
Beatty	Husted	Moore	Stevens of
Booth	Kimberly	Mullaney	Decatur
Coykendall	Klemme	Patterson	Stevens of
Doze	Knudson	Pendray	Wapello
Elthon	Leo	Reese	Topping
Hill	Miller of	Roelofs	Wilson
Hopkins	Buchanan		

Nays, none.

Absent or not voting, 23.

Anderson	Carden	Hicklin	Schmidt
Aschenbrenner	Chrystal	Irwin	Shangle
Baldwin	Fisch	McArthur	Tripp
Bennett	Frailey	Meyer	Valentine
Byers	Geske	Nelson	Wenner
Calhoun	Harrington	Ritchie	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Pendray moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Pendray, Senate File 317, a similar bill to the one just passed, was withdrawn.

By unanimous consent on motion of Senator Knudson House File No. 313, a bill for an act to amend Section ninety-three hundred forty-b1 (9340-b1), Code, 1931, as amended, pertaining to investments of building and loan associations and to authorize such associations to accept bonds of Home Owners' Loan Corporation in payment or exchange for notes and mortgages, returned by the sifting committee, was taken up and considered.

Senator Beardsley offered the following amendment and moved its adoption:

Amend by inserting a period after the word "assets" in line 9, section 1, and striking the words "at par value".

The amendment was adopted.

The bill was read for information.

Senator Beardsley moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 29.

Beardsley	Hopkins	Miller of	Roelofs
Beatty	Hush	Buchanan	Schmidt
Booth	Husted	Miller of Jones	Stanley
Coykendall	Kimberly	Moore	Stevens of
Doze	Klemme	Mullaney	Decatur
Elthon	Knudson	Patterson	Topping
Geske	Leo	Pendray	Wilson
Hill	Meyer	Reese	

Nays, none.

Absent or not voting, 21.

Anderson	Carden	Irwin	Stevens of
Aschenbrenner	Chrystal	McArthur	Wapello
Baldwin	Fisch	Nelson	Tripp
Bennett	Frailey	Ritchie	Valentine
Byers	Harrington	Shangle	Wenner
Calhoun	Hicklin		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Knudson Senate File No. 277, a bill for an act to amend sections eighty-seven hundred thirty-seven (8737), eighty-eight hundred twenty-nine (8829), and eighty-nine hundred twenty-seven (8927) of the Code, 1931, authorizing the investment of funds by all insurance companies and associations in bonds of the Federal Home Loan Banks and bonds of Home Owners' Loan Corporation, with report of committee recommending amendment and passage, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Wilson called up the following amendment, filed by Senator Byers and moved its adoption:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. Strike out all of subsection one (1) of Section eighty-seven hundred thirty-seven (8737) of the Code, 1931, as amended by Chapter One Hundred Seventeen (117), Acts of the Forty-Fifth General Assembly, and insert in lieu thereof the following:

"1. Federal and dominion bonds. The bonds issued or guaranteed by the United States, and farm loan bonds issued under the Act of Congress approved July 17, 1916, as amended, and bonds issued or guaranteed by the Dominion of Canada, and bonds of the Federal Home Loan Banks, established by Act of Congress known and cited as the Federal Home Loan Bank Act, and bonds of Home Owners' Loan Corporation, organized under the Act of Congress known and cited as the Home Owners' Loan Act of 1933."

Section 2. Strike out all of subsection one (1) of Section eighty-eight hundred twenty-nine (8829) of the Code, 1931, as amended by Chapter One Hundred Seventeen (117), Acts of the Forty-Fifth General Assembly, and insert in lieu thereof the following:

"1. Federal and dominion bonds. The bonds issued or guaranteed by the United States, and farm loan bonds issued under the Act of Congress approved July 17, 1916, as amended, and bonds issued or guaranteed by the Dominion of Canada, and bonds of the Federal Home Loan Banks, established by Act of Congress known and cited as the Federal Home Loan Bank Act, and bonds of Home Owners' Loan Corporation, organized under the Act of Congress known and cited as the Home Owners' Loan Act of 1933."

Section 3. Strike out all of subsection one (1) of Section eighty-nine hundred twenty-seven (8927) of the Code, 1931, as amended by Chapter One Hundred Seventeen (117), Acts of the Forty-Fifth General Assembly, and insert in lieu thereof the following:

"1. Federal and foreign bonds. The bonds issued or guaranteed by the United States, or federal farm loan bonds issued under the provisions of the Act of Congress relative thereto approved July 17, 1916, and bonds issued or guaranteed by the Dominion of Canada, and bonds of the Federal Home Loan Banks, established by Act of Congress known and cited as the Federal Home Loan Bank Act, and bonds of Home Owners' Loan Corporation, organized under the Act of Congress known and cited as the Home Owners' Loan Act of 1933."

Section 4. This Act being deemed of immediate importance, shall be in full force and effect from and after its publication in the Mount Vernon Hawkeye Record, a newspaper published in Mount Vernon, Iowa, and the Central City News-Letter, a newspaper published in Central City, Iowa.

Further amend the title by striking out the title and inserting the following in lieu thereof:

A bill for an act to amend Sections eighty-seven hundred thirty-seven (8737), eighty-eight hundred twenty-nine (8829), and eighty-nine hundred twenty-seven (8927) of the Code, 1931, authorizing the investment of funds by all insurance companies and associations in bonds issued or guaranteed by the United States or the Dominion of Canada, and bonds of

the Federal Home Loan Banks and bonds of Home Owners' Loan Corporation.

The amendment was adopted.

Senator Wilson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 30.

Beardsley	Hush	Miller of Jones	Stanley
Booth	Husted	Moore	Stevens of
Calhoun	Klemme	Mullaney	Decatur
Coykendall	Knudson	Patterson	Stevens of
Doze	Leo	Pendray	Wapello
Elthon	Meyer	Reese	Topping
Geske	Miller of	Roelofs	Valentine
Hill	Buchanan	Schmidt	Wilson
Hopkins			

Nays, none.

Absent or not voting, 20.

Anderson	Byers	Harrington	Nelson
Aschenbrenner	Carden	Hicklin	Ritchie
Baldwin	Chrystal	Irwin	Shangle
Beatty	Fisch	Kimberly	Tripp
Bennett	Frailey	McArthur	Wenner

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENTS CONSIDERED

Senator Calhoun called up for consideration Senate File No. 252, amended by the House, and moved that the Senate suspend the rules and concur in the following amendments:

Amend Senate File No. 252 by striking all after the enacting clause and by substituting therefor, the following:

"Section 1. Amend, revise and codify section ninety-seven hundred sixty-two (9762), Code, 1931, to read as follows:

'9762. Local sealers. The board shall submit to the secretary of agriculture the name of some person or persons, none of whom shall be members of said board, who shall, subject to the approval of the secretary of agriculture, act as the local sealer or sealers, and every such sealer shall have the same authority with respect to the provisions of this chapter and the rules and regulations promulgated thereunder, and the enforcement thereof, as any officer of the peace.'

Sec. 2. Amend, revise and codify section ninety-seven hundred ninety-five (9795), Code, 1931, to read as follows:

'9795. Supervision fund—disbursement. For the purposes of defraying the expenses of supervision, the owner shall pay to the board at the time of sealing, an amount which shall not exceed one cent per bushel

of grain inspected and sealed by the sealer. In no case shall the cost to the owner of the grain, housed in a single warehouse, be less than one dollar, nor more than twenty dollars. Out of the fund thus created the compensation of the sealer, as fixed by the board, subject to the approval of the secretary of agriculture, and all other expenses, shall be paid.'

Sec. 3. Amend, revise and codify section ninety-seven hundred ninety-eight (9798), Code, 1931, to read as follows:

'9798. Fees of the secretary of agriculture. The secretary of agriculture shall receive the following fees for services rendered under the provisions of this chapter:

1. For issuing licenses in each case, three dollars.
2. For approving the applications for group organizations, one dollar.'

Sec. 4. That chapter four hundred twenty-seven (427), Code, 1931, be amended by inserting immediately after section ninety-seven hundred seventy-seven (9777), the following:

'9777-f1. When a certificate has been recorded and for any reason whatsoever is not negotiated or delivered to the assignee named therein, such certificate may be reassigned to the original owner upon the written request of the official sealer who issued said certificate providing said sealer, or his successor in office, shall write across the face of the original certificate the word 'Void' in ink or indelible pencil, and providing said sealer presents said original certificate at the office of the county recorder. The county recorder shall enter upon the index book 'Reassigned to the original owner before delivery' and forward said original certificate to the secretary of agriculture within twenty-four hours.'

Sec. 5. This act, being deemed of immediate importance, shall be in full force and effect from and after its publication in the Newell Mirror, a newspaper published in Newell, Iowa, and in the Van Buren Record, a newspaper published in Bonaparte, Iowa."

Amend the title by striking all after the word "Act" in line one (1) thereof, and substituting therefor the following:

"to amend, revise and codify sections ninety-seven hundred sixty-two (9762), ninety-seven hundred ninety-five (9795), and ninety-seven hundred ninety-eight (9798), Code, 1931, and to amend chapter four hundred twenty-seven (427), Code, 1931, relating to the charges to be paid by the owners of grain at the time of the sealing of the warehouse, the fees of the sealer and the secretary of agriculture and releasing the warehouse certificates; providing that the sealers appointed by the secretary of agriculture shall not be members of the local board—all under the unbonded agricultural warehouse act."

On the question "Shall the Senate concur?" the vote was:

Ayes, 26.

Booth	Hopkins	Miller of	Roelofs
Calhoun	Hush	Buchanan	Schmidt
Coykendall	Husted	Miller of Jones	Stanley
Doze	Kimberly	Mullaney	Stevens of
Elthon	Klemme	Patterson	Decatur
Geske	Leo	Pendray	Valentine
Hill	Meyer	Reese	Wilson

Nays, none.

Absent or not voting, 24.

Anderson	Carden	Irwin	Shangle
Aschenbrenner	Chrystal	Knudson	Stevens of
Baldwin	Fisch	McArthur	Wapello
Beardsley	Frailey	Moore	Topping
Beatty	Harrington	Nelson	Tripp
Bennett	Hicklin	Ritchie	Wenner
Byers			

The House amendments having received a constitutional majority were declared to have been adopted and concurred in by the Senate.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the Speaker has appointed as conference committee on House File 292, a bill for an act creating a liquor control commission, defining its powers and duties relative to the control of the alcoholic liquor traffic, Fabritz of Wapello, Johnson of Linn, Goode of Davis, and Mitchell of Webster.

VIRGIL LEKIN, *Chief Clerk.*

The journal of February 23d was corrected and approved.

EXPLANATION OF MY VOTE ON HOUSE FILE 185

The gasoline tax law at the present time is yielding about eleven million dollars annually. Considering the fact that we have a huge bonded indebtedness in the state, it is highly essential that this revenue should continue. House File 185 seeks to repeal the entire gasoline tax law and re-enact another in its place. In Section 2, subsection d, it is set out that the tax is to be based on certain specifications.

The specifications are to become a part of the law and in lines 35 to 41 the bill would empower the treasurer of state to change these specifications, and I question whether the legislature has the authority to empower the treasurer of state or any executive officer to so change the law.

In that event it seemed to me that the imposition of the new tax might be declared invalid and since this bill would repeal the old tax law, the state would in that case be deprived of the large sum of gasoline tax revenue which cannot very well be spared. It was my thought that this bill should not pass the Senate until the measure was more carefully worded than it is.

I am in full sympathy with what the authors of this bill seek to do and I think that in many ways the bill is an improvement over the present law.

G. W. PATTERSON.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 185 passed to its third reading.

F. M. BEATTY.

AMENDMENTS FILED

Amend House File 304 by striking out section one (1) and inserting in lieu thereof the following:

"Section 1. Section forty-four hundred three (4403), Code 1931, is amended by striking out all of said section after the period (.) following the word 'principal' in line eleven (11)." GEO. A. WILSON.

Amend House File 335, Section 1, by striking from line 5 the words: "where none now exists;" and further amend by striking from line 6 the words "where required".

Amend Section 5 by striking from lines 10 and 11 the following: "Such revenue bonds shall not be exempt from taxation, either principal or interest."

Amend Section 7 by striking from lines 10, 11 and 12 the following: "and sufficient description of any proposed contract to clearly advise the voters of all the pertinent facts;" G. W. PATTERSON.

Amend House File 336 as passed by the House as follows:

1. Amend Section eight (8), subsection one (1), division f, line nineteen (19), by striking out the comma (,) and these words: "and is not within two hundred (200) feet of a building used for school purposes".

2. Amend by striking out Section twenty-eight (28) and renumbering the remaining sections accordingly. PAUL W. SCHMIDT.

On motion of Senator Roelofs, the Senate adjourned until 10:00 a. m. Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 26, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. S. L. Shenton, pastor of the Church of the Brethren of Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Valentine for the day, on account of business, on request of Senator Kimberly; Senator Stanley for the day, on request of Senator Wenner; Senator Ritchie for the day, on request of Senator Elthon; Senator Frailey for the day, on request of Senator Kimberly.

SENATE FILE 39 WITHDRAWN

By unanimous consent, on request of Senator Reese, Senate File 39, relating to legal residence of employees in institutions, was withdrawn from further consideration.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 343, a bill for an act to permit savings banks to invest in bonds of the Home Owners Loan Corporation.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 344, a bill for an act relating to the nature of waivers by certificate holders as provided for therein.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 108, a bill for an act relating to the sale of beer, and to prohibit the sale of beer after July 1, 1934, provisions.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 321, a bill for an act relating to exemption of property from taxation.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENT TO SENATE FILE 321

Amend Senate File 321 by striking from line seven (7), of section one (1), the words "park board,".

SENATE FILE 28 RESUMED

Senator Anderson called up for consideration Senate File 28, upon which action was deferred, as shown on page 1204 of the Senate journal.

Senator Patterson moved that Senate File 28 be referred to the committee on judiciary No. 2.

Senator Anderson offered the following amendment and moved its adoption:

Amend by striking the last four lines.

The President ruled the amendment out of order as the motion to rerefer took precedence.

Senator Harrington moved to lay the motion to rerefer on the table.

By unanimous consent, on request of Senator Harrington, his motion to table was withdrawn.

Senator Wilson moved the previous question on the motion to rerefer, which motion prevailed.

On the question "Shall the motion to rerefer prevail?" the vote was:

Ayes, 9.

Aschenbrenner	Calhoun	Hopkins	Patterson
Beardsley	Elthon	Husted	Pendray
Booth			

Nays, 29.

Anderson	Harrington	McArthur	Schmidt
Baldwin	Hicklin	Meyer	Shangle
Bennett	Hill	Miller of	Stevens of
Byers	Hush	Buchanan	Decatur
Carden	Irwin	Miller of Jones	Topping
Coykendall	Kimberly	Moore	Tripp
Doze	Klemme	Mullaney	Wilson
Fisch	Knudson	Reese	

Absent or not voting, 12.

Beatty	Geske	Ritchie	Stevens of
Chrystal	Leo	Roelofs	Wapello
Frailey	Nelson	Stanley	Valentine
			Wenner

The motion to rerefer was lost.

Senator Anderson offered the following amendment and moved its adoption:

Amend by adding the following:

Sec. 2. Any person, agency, bureau, corporation or association employed or maintained to obtain, or aid in obtaining, positions for others in the public schools, or positions in any other public institutions in the State of Iowa, or any individual or official connected with any public school or public institution who shall ask, indicate or transmit orally or in writing the religion or religious affiliations of any person seeking employment in the public schools or any other public institutions shall be guilty of a violation of Section 1 hereof; providing, however, that it shall not be a violation of Section 1 to inquire if any applicant seeking a position believes in the existence of a Supreme Being, and providing further, that this act shall not apply to applicants seeking positions of a religious nature.

Sec. 3. Any person, agency, bureau, corporation or association that violates provisions of Section 1 hereof, as defined in Section 2 hereof, shall be guilty of a misdemeanor and upon conviction be fined not less than \$25.00 nor more than \$100.00, or imprisoned not more than thirty days, or by both such fine and imprisonment.

Amend the title as follows:

A Bill for an act regarding violations of Section 4, Article 1 of the Constitution of Iowa; defining what constitutes such violations with respect to prohibiting inquiry concerning the religion or religious affiliations of persons seeking employment in public schools or other public institutions and providing a penalty for a violation thereof.

Senator Anderson offered the following amendment to the amendment and moved its adoption:

Amend by striking from section 2 all after the word "hereof" in line 10.

The amendment to the amendment was adopted.

Senator Patterson offered the following amendment to the amendment and moved its adoption:

Amend section 2 by striking from line 9 the words "be guilty" and inserting in lieu thereof the words "constitute evidence".

The amendment to the amendment was adopted.

Senator Patterson offered the following amendment to the amendment and moved its adoption:

Amend section 3 by striking from lines 2 and 3 the words "Section 1 hereof, as defined in Section 2 hereof" and inserting in lieu thereof the words "this act".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Patterson offered the following amendment and moved its adoption:

Amend by inserting before the first sentence the following: "Section 1."

The amendment was adopted.

Senator Shangle offered the following amendment and moved its adoption:

Amend section 2 by striking from line 1 the word "Any" and inserting in lieu thereof the words "If any".

Also amend section 2 by inserting after the word "institutions" in line 9 the word "it".

The amendments were adopted.

Senator Shangle offered the following amendment and moved its adoption:

Amend section 2 by striking from line 6 the word "who".

The amendment was adopted.

Senator Harrington moved the previous question, which motion prevailed.

The bill was read for information.

Senator Anderson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Anderson	Harrington	Meyer	Schmidt
Baldwin	Hicklin	Miller of	Shangle
Bennett	Hill	Buchanan	Stevens of
Booth	Hush	Miller of Jones	Decatur
Byers	Irwin	Moore	Stevens of
Carden	Kimberly	Mullaney	Wapello
Chrystal	Klemme	Patterson	Topping
Coykendall	Knudson	Pendray	Tripp
Doze	Leo	Reese	Wenner
Fisch	McArthur	Roelofs	Wilson
Geske			

Nays, 7.

Aschenbrenner	Calhoun	Hopkins	Nelson
Beardsley	Elthon	Husted	

Absent or not voting, 5.

Beatty	Ritchie	Stanley	Valentine
Frailey			

The bill having received a constitutional majority was declared to have passed the Senate.

Senator Hicklin moved that the title be amended to read as follows:

"A bill for an act regarding Section 4, Article I of the Constitution of Iowa and providing penalties for violation thereof."

The amendment was adopted.

The title as amended was agreed to.

Senator Anderson moved that the vote by which the bill passed the Senate be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Geske, Senate File 316, a bill for an act to amend House File Three Hundred Thirty-one (331) Acts of the Special Session, Forty-fifth General Assembly, relating to the nature of certificates provided for therein, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Geske moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Anderson	Harrington	Meyer	Roelofs
Aschenbrenner	Hicklin	Miller of	Schmidt
Baldwin	Hill	Buchanan	Shangle
Bennett	Hopkins	Miller of Jones	Stevens of
Booth	Hush	Moore	Decatur
Byers	Irwin	Mullaney	Stevens of
Carden	Kimberly	Nelson	Wapello
Doze	Klemme	Patterson	Topping
Elthon	Knudson	Pendray	Tripp
Fisch	Leo	Reese	Wenner
Geske			

Nays, none.

Absent or not voting, 12.

Beardsley	Chrystal	Husted	Stanley
Beatty	Coykendall	McArthur	Valentine
Calhoun	Frailey	Ritchie	Wilson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on request of Senator Geske, the bill was messaged to the House immediately.

HOUSE AMENDMENT CONSIDERED

Senator Stevens of Wapello called up for consideration Senate File 321, amended by the House, and moved that the Senate suspend the rules and concur in the following amendment:

Amend by striking from line seven (7), of section one (1), the words "park board,".

On the question "Shall the Senate concur?" the vote was:

Ayes, 40.

Anderson	Geske	McArthur	Roelofs
Aschenbrenner	Harrington	Meyer	Schmidt
Baldwin	Hicklin	Miller of	Shangle
Bennett	Hill	Buchanan	Stevens of
Booth	Hopkins	Miller of Jones	Decatur
Byers	Hush	Moore	Stevens of
Calhoun	Husted	Mullaney	Wapello
Carden	Irwin	Nelson	Topping
Doze	Kimberly	Patterson	Tripp
Elthon	Klemme	Pendray	Wenner
Fisch	Leo	Reese	

Nays, none.

Absent or not voting, 10.

Beardsley	Coykendall	Ritchie	Valentine
Beatty	Frailey	Stanley	Wilson
Chrystal	Knudson		

The House amendment having received a constitutional majority was declared to have been adopted and concurred in by the Senate.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the following House Concurrent Resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution No. 16, memorializing the President of the United States, asking for a Subsistence Homesteads Experimental Project for Dallas County, Iowa.

Also: That the House has adopted the following conference report and concurred in amendments proposed therein in which the concurrence of the House was asked:

Senate File 273, a bill for an act to require the board of supervisors to close or cause to be closed against vehicular travel, all secondary roads which may be formally vacated or affirmatively abandoned by said board.

Also: That the House has concurred in Senate amendments to House amendments to the following bill in which the concurrence of the House was asked:

Senate File 233, a bill for an act to provide for the appointment of a conservator for drainage districts.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE CONCURRENT RESOLUTION 16

Memorializing the President of the United States, asking for a Subsistence Homesteads Experimental Project for Dallas County, Iowa, near the town of Granger; to furnish the mining population and their families, and the stranded agricultural population and their families with the opportunity of owning a home and a small acreage of land in conformance with Section 208 of Title II of the National Industrial Recovery Act.

Whereas, Application has been made to the Subsistence Homesteads Division, Department of the Interior, Washington, D. C., asking for the approval of a Subsistence Homesteads Experimental Project to be established near the town of Granger, in Dallas County, Iowa, and

Whereas, Said application has met with the commendation of a duly qualified representative of the Subsistence Homesteads Division, Department of the Interior, Washington, D. C., who was commissioned to check the qualifications of the community at Granger, Iowa, as to the potential possibilities of carrying out said project to a successful fruition, and

Whereas, Said Subsistence Homesteads Experimental Project has been investigated and approved by a Committee of five from the Iowa State College of Ames, Iowa, and

Whereas, The land to be used in the creation of said Subsistence Homesteads Experimental Project is farm land that can be purchased at a reasonable figure providing the same is purchased before crop planting time, therefore:

Be It Resolved by the House, the Senate concurring, That the General Assembly of Iowa respectfully requests and urges the President of the United States to exercise the authority and power granted him, to approve the establishment of a Subsistence Homesteads Experimental Project in Dallas County, Iowa, near the town of Granger, as soon as possible, all for the best interests of the above mentioned mining population and their families, and the stranded agricultural population and their families, as provided for in said Section 208 of Title II of the Industrial Recovery Act.

Be It Further Resolved, That the Secretary of State of Iowa, be instructed to send a copy of this resolution to the President of the United States, to the Secretary of the Interior and to each member of Congress from the State of Iowa.

Passed on file.

By unanimous consent, on request of Senator Knudson, Senate File 277 was messaged to the House immediately.

On motion of Senator Shangle the Senate recessed until 1:15 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel.

HOUSE FILE 40 RESUMED

Senator Hicklin called up for consideration House File 40; upon which action was deferred, as shown on page 816 of the Senate journal.

Senator Carden asked unanimous consent to withdraw his amendment, as found on page 941 of the Senate journal.

Objection was raised.

Senator Carden moved that his amendment be withdrawn.

Senator Harrington asked unanimous consent that his substitute amendment, as found on page 941 of the Senate journal, be considered as a substitute for all pending amendments and the main bill.

Senator Hicklin raised the point of order that there was a motion before the Senate.

The President held the request out of order in its form.

The motion to withdraw prevailed.

Senators Hicklin, Nelson, Roelofs, Husted and Chrystal, as a substitute for all pending amendments, offered the following amendment and moved its adoption:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. No person, co-partnership, association, or corporation shall engage in the business of making loans of money, credit, goods, or things in action in the amount or of the value of three hundred dollars (\$300) or less and charge, contract for, or receive on any such loan a greater rate of interest or consideration therefor than the lender would be permitted by law to charge if he were not a licensee hereunder except as authorized by this act and without first obtaining a license from the superintendent of banking, hereinafter called the superintendent. The word "person", when used hereinafter, shall include individuals, co-partnerships, associations, and corporations unless the context requires a different meaning.

"Sec. 2. Application for such license shall be in writing, under oath, and in the form prescribed by the superintendent, and shall contain the name and the address (both of the residence and place of business) of the applicant, and if the applicant is a co-partnership or association, of every member thereof, and if a corporation, of each officer and director thereof; also the county and municipality with street and number, if any, of the place where the business of making loans under the provisions of this act is to be conducted and such further relevant information as the superintendent may require. Such applicant at the time of making such application shall pay to the superintendent the sum of one hundred dollars (\$100) as a fee for investigating the application and the additional sum of one hundred and fifty dollars (\$150) as an annual license fee and in full payment of all expenses for examinations under and for administration of this act for a period terminating on the last day of the current

calendar year; provided, that if the application is filed after June thirtieth in any year such payment shall be seventy-five dollars (\$75) as such license fee in addition to the said fee for investigation.

"Every applicant shall also prove, in form satisfactory to the superintendent, that he or it has available for the operation of such business at the place of business specified in the application, liquid assets of at least ten thousand dollars (\$10,000), or that he or it has at least the said amount actually in use in the conduct of such business at such place of business.

"Sec. 3. The applicant shall also at the same time file with the superintendent a bond to be approved by him in which the applicant shall be the obligor, with one or more sureties, in the sum of one thousand dollars (\$1,000). The said bond shall run to the State of Iowa for the use of the state and of any person or persons who may have a cause of action against the obligor of said bond under the provisions of this act. Such bond shall be conditioned that said obligor will faithfully conform to and abide by the provisions of this act and of all rules and regulations lawfully made by the superintendent hereunder, and will pay to the state and to any such person or persons any and all moneys that may become due or owing to the state or to such person or persons from said obligor under and by virtue of the provisions of this act.

"Sec. 4. Upon the filing of such application, the approval of such bond and the payment of such fees, the superintendent shall make such investigation of the facts as he may deem necessary or proper.

"If the superintendent shall determine from such application or from such investigation that the financial responsibility, experience, character, and general fitness of the applicant, and of the members thereof if the applicant be a co-partnership or association, and of the officers and directors thereof if the applicant be a corporation, are such as to warrant the belief that the business will be operated lawfully, honestly, fairly, and efficiently within the purposes of this act, and if the superintendent shall find that the applicant has available or actually in use the assets described in section two (2) of this act, he shall thereupon issue and deliver a license to the applicant to make loans in accordance with the provisions of this act at the place of business specified in the said application; if the superintendent shall not so find he shall not issue such license and he shall notify the applicant of the denial and return to the applicant the bond and the sum paid by the applicant as a license fee, retaining the one hundred dollars (\$100) investigation fee to cover the costs of investigating the application. The superintendent shall approve or deny every application for a license hereunder within sixty (60) days from the filing of the application and the approved bond and the payment of the said fees.

"If the application is denied the superintendent shall within twenty (20) days thereafter file with the banking department a written transcript of the evidence and decision and findings with respect thereto containing the reasons supporting the denial, and forthwith serve upon the applicant a copy thereof.

"Sec. 5. Such license shall state the address of the place where the business of making such loans is to be conducted and shall state fully the name of the licensee, and if the licensee is a co-partnership or association,

the names of the members thereof, and if a corporation, the date and place of its incorporation. Such license shall be kept conspicuously posted in such place of business and shall not be transferable or assignable.

"Sec. 6. If the superintendent shall find at any time that the bond is insecure or exhausted or otherwise of doubtful validity or collectibility, an additional bond to be approved by him, with one or more sureties and of the character specified in section three (3) of this act, in the sum of not more than one thousand dollars (\$1,000), shall be filed by the licensee within ten (10) days after written demand upon the licensee by the superintendent.

"Every licensee shall have available at all times for each licensed place of business at least ten thousand dollars (\$10,000) in assets, either in liquid form or actually in use in the conduct of such business.

"Sec. 7. Not more than one place of business where such loans are made shall be maintained under the same license, but the superintendent may issue more than one license to the same licensee upon compliance, for each such additional license, with all the provisions of this act governing an original issuance of a license.

"Whenever a licensee shall change such place of business to another location he shall at once give written notice thereof to the superintendent who shall attach to the license in writing his record of the change and the date thereof, which shall be authority for the operation of such business under such license at such new place of business.

"Sec. 8. Every licensee shall, on or before the fifteenth day of each December, pay to the superintendent the sum of one hundred and fifty dollars (\$150) as an annual license fee for the next succeeding calendar year and shall at the same time file with the superintendent a new bond or renewal of the old bond in the same amount and of the same character as required by section three (3) of this act.

"Sec. 9. The superintendent may, upon at least twenty (20) days' written notice to the licensee stating the contemplated action and grounds, and upon reasonable opportunity to be heard, revoke any license issued hereunder if he shall find that:

"(a) The licensee has failed, after ten (10) days' notice of default, to pay the annual license fee or to maintain in effect the bond or bonds required under the provisions of this act or to comply with any rule or regulation of the superintendent lawfully made pursuant to and within the authority of this act; or that

"(b) The licensee has violated any provision of this act or any rule or regulation lawfully made by the superintendent under and within the authority of this act; or that

"(c) Any fact or condition exists which would clearly have warranted the superintendent in refusing originally to issue such license.

"If the superintendent shall find that probable cause for revocation of any license exists and that the enforcement of the act requires immediate suspension of such license pending investigation, he may, upon five (5) days' written notice and a hearing, suspend such license for a period not exceeding thirty (30) days.

"The superintendent may revoke or suspend only the particular license with respect to which grounds for revocation or suspension may occur

or exist, or, if he shall find that such grounds for revocation or suspension are of general application to all licensed places of business, or to more than one licensed place of business, operated by such licensee, he shall revoke or suspend all of the licenses issued to such licensee or such licenses as such grounds apply to, as the case may be.

"Any licensee may surrender any license by delivering to the superintendent written notice that he thereby surrenders such license, but such surrender shall not affect such licensee's civil or criminal liability for acts committed prior to such surrender.

"No revocation or suspension or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and any borrower.

"Every license issued hereunder shall remain in force and effect until the same shall have been surrendered, revoked, or suspended in accordance with the provisions of this act. The superintendent shall have authority on his own initiative to reinstate suspended licenses or to issue new licenses to a licensee whose license or licenses shall have been revoked if no fact or condition then exists which would have warranted the superintendent in refusing originally to issue such license under this act.

"Whenever the superintendent shall revoke or suspend a license issued under this act, he shall forthwith file with the banking department a written transcript of the evidence and order to that effect and findings with respect thereto containing the reasons supporting the revocation or suspension, and forthwith serve upon the licensee a copy thereof.

"Sec. 10. For the purpose of discovering violations of this act or securing information lawfully required by him hereunder, the superintendent may at any time, either personally or by an individual or individuals duly designated by him, investigate the loans and business and examine the books, accounts, records, and files used therein, of every licensee and of every person engaged in the business described in section one (1) of this act, whether such person shall act or claim to act as principal or agent, or under or without the authority of this act. For that purpose the superintendent and his duly designated representatives shall have and be given free access to the place of business, books, accounts, papers, records, files, safes, and vaults of all such persons. The superintendent and all individuals duly designated by him shall have authority to require the attendance of and to examine under oath all individuals whomsoever whose testimony he may require relative to such loans or such business.

"The superintendent shall make an examination of the affairs, place of business, and records of each licensed place of business at least once each year.

"Sec. 11. The licensee shall keep such books, accounts, and records as the superintendent may require in order to determine whether such licensee is complying with the provisions of this act and with the rules and regulations lawfully made by the superintendent hereunder. Every licensee shall preserve for at least two (2) years after making the last entry on any loan recorded therein all books, accounts, and records, including cards used in the card system, if any.

"Each licensee shall annually on or before the first day of March file a

report with the superintendent giving such relevant information as the superintendent reasonably may require concerning the business and operations during the preceding calendar year of the licensed places of business conducted by such licensee within the state of Iowa. Such report shall be made under oath and shall be in the form prescribed by the superintendent who shall make and publish annually an analysis and recapitulation of such reports.

"Sec. 12. No licensee or other person shall advertise, print, display, publish, distribute, or broadcast or cause or permit to be advertised, printed, displayed, published, distributed, or broadcast, in any manner whatsoever, any statement or representation with regard to the rates, charges, terms, or conditions for the lending of money, credit, goods, or things in action in the amount or of the value of three hundred dollars (\$300) or less, which is false, misleading, or deceptive. The superintendent may order any licensee to desist from any conduct which he shall find to be a violation of the foregoing provisions.

"If any licensee refers in any advertising matter to the rate of charge to be made upon loans the superintendent may require such licensee to state such rate of charge fully and clearly in such manner as he may deem necessary to prevent misunderstanding thereof by prospective borrowers.

"No licensee shall take a real estate mortgage as security for any loan made under the provisions of this act.

"No licensee shall conduct the business of making loans under the provisions of this act within any office, room, suite, or place of business in which any other business is solicited or engaged in, or in association or conjunction therewith, except as may be authorized in writing by the superintendent upon his finding that the character of such other business is such that the granting of such authority would not facilitate evasions of this act or of the rules and regulations lawfully made by him hereunder.

"No licensee shall make any loan provided for by this act under any other name or at any other place of business than that named in the license.

"No licensee shall take any confession of judgment or any power of attorney to appear or to confess judgment on behalf of a borrower. No licensee shall take any note, promise to pay, or security that does not accurately disclose the actual amount of the loan, the time for which it is made, and the agreed rate of charge, nor any instrument in which blanks are left to be filled in after execution.

"Sec. 13. (a) It shall be the duty of the state banking board, hereinafter called the board, and it shall have power, jurisdiction, and authority, from time to time to investigate the conditions and find the facts with reference to the business of making small loans, as described in section one (1) of this act, hereinafter referred to as small loans, and upon the basis of such facts: (1) to classify small loans by a regulation according to such system of differentiation as will reasonably distinguish such classes of loans for the purposes of this act, and (2) to determine and fix by a regulation such maximum rate of interest or charges upon each such class of small loans as will induce efficiently managed commercial capital to enter such business in sufficient amounts to make available adequate

credit facilities to individuals without the security or financial responsibility usually required by commercial banks.

“(b) The board may from time to time re-determine and re-fix by a regulation, in accordance with paragraph (a) above, any maximum rate of interest or charges previously fixed by it, but such changed maximum rates shall not affect pre-existing loan contracts lawfully entered into between any licensee and any borrower; all regulations which the board may make respecting rates of interest or charges shall fix and contain the effective date thereof, which shall not be earlier than thirty (30) days after notice to each licensee by mailing such notice to each licensed place of business.

“(c) Before fixing any classification of small loans or any maximum rate of interest or charges, or changing any such classification or rate under authority of this section thirteen (13), the board shall give reasonable notice of its intention to consider doing so to all licensees and a reasonable opportunity to be heard thereon and to introduce evidence with respect thereto.

“(d) Until the board shall fix a different rate of interest or charges under authority of this section thirteen (13), and at any other time when a different rate of interest or charges fixed by the board shall not be in effect, as to any class or classes of small loans authorized, determined, or fixed hereunder, the maximum rate of interest or charges upon such class or classes of small loans shall be three and one-half per centum ($3\frac{1}{2}\%$) per month on any part of the unpaid principal balance of the loan not exceeding one hundred and fifty dollars (\$150) plus two and one-half per centum ($2\frac{1}{2}\%$) per month on any remainder of such unpaid principal balance.

“(e) Every licensee hereunder may lend any sum of money not exceeding three hundred dollars (\$300) in amount and may charge, contract for, and receive thereon interest or charges at a rate not exceeding the maximum rate of interest or charges determined and fixed by the board under authority of this section thirteen (13) or by the provisions of the preceding paragraph (d).

“(f) The following provisions shall apply to any or all loans in the amount or of the value of three hundred dollars (\$300) or less made by any licensee hereunder:

“Interest shall not be paid, deducted, or received in advance. Interest shall not be compounded and shall be computed only on unpaid principal balances. The maximum interest permitted shall be computed on the basis of the number of days actually elapsed and for the purpose of such computations a month shall be any period of thirty (30) consecutive days. No licensee shall induce or permit any borrower or borrowers to split up or divide any loan or loans for the purpose of evading any provision of this act nor shall any licensee knowingly permit any borrower, nor any husband and wife individually or together, to be indebted to him under more than one contract of loan at the same time. In addition to the rates of interest or charges herein provided for no further or other charge for examination, service, brokerage, commission, expense, fee, or bonus or other thing shall be directly or indirectly charged, contracted for, or received, except the lawful fees, if any, actually and necessarily

paid out by the licensee to any public officer, for filing or recording or releasing in any public office any instrument securing the loan, which fees may be collected when the loan is made, or at any time thereafter. If any interest or charges in excess of these permitted by this act are charged, contracted for, or received, the contract of loan shall be void and the licensee shall have no right to collect or receive any principal, interest, or charges whatsoever.

"Sec. 14. Every licensee shall:

Deliver to the borrower at the time any loan is made a statement (upon which there shall be printed a copy of sub-sections thirteen (13) (a), (e), and (f) of this act) in the English language showing in clear and distinct terms the lawful maximum rate or rates of interest or charges in effect, the amount and date of the loan and of its maturity, the nature of the security, if any, for the loan, the name and address of the borrower and of the licensee, and the agreed rate of charge;

"Give to the borrower a plain and complete receipt for all payments made on account of any such loan at the time such payments are made, specifying the amount applied to interest or charges and the amount applied to principal;

"Permit payment to be made in advance in any amount on any contract of loan at any time, but the licensee may apply such payment first to all interest or charges up to the date of such payment;

"Upon repayment of the loan in full, mark indelibly every obligation and security signed by the borrower with the word "paid" or "cancelled", and release any mortgage, restore any pledge, return any note and any assignment given to the licensee by the borrower;

"Display prominently in each licensed place of business an accurate schedule, to be approved by the superintendent, of the charges currently to be made upon all loans.

"Sec. 15. No licensee shall directly or indirectly charge, contract for, or receive any interest or consideration greater than the lender would be permitted by law to charge if he were not a licensee hereunder upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit, of the amount or value of more than three hundred dollars (\$300). The foregoing prohibition shall also apply to any licensee who permits any person, as borrower or as endorser, guarantor, or surety for any borrower, or otherwise, to owe directly or contingently or both to the licensee at any time the sum of more than three hundred dollars (\$300) for principal.

"Sec. 16. The payment of three hundred dollars (\$300) or less in money, credit, goods, or things in action, as consideration for any sale or assignment of, or order for, the payment of wages, salary, commissions, or other compensation for services, whether earned or to be earned, shall for the purposes of this act be deemed a loan secured by such assignment, and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall be deemed interest or charges upon such loan from the date of such payment to the date such compensation is payable. Such transaction shall be governed by and subject to the provisions of this act.

"Sec. 17. A valid assignment or order for the payment of future salary, wages, commissions, or other compensation for services, may be given as security for a loan made by any licensee under this act, and under such assignment or order a sum not to exceed ten per centum (10%) of the borrower's salary, wages, commissions, or other compensation for services shall be collectible from the employer of the borrower by the licensee at the time of each payment to the borrower of such salary, wages, commissions, or other compensation for services, from the time that a copy of such assignment, verified by the oath of the licensee or his agent, together with a similarly verified statement of the amount unpaid upon such loan, is served upon the employer.

"No assignment of or order for payment of any salary, wages, commissions, or other compensation for services, earned or to be earned, given to secure any loan made by any licensee under this act, shall be valid unless the amount of such loan is paid to the borrower simultaneously with its execution; nor shall any such assignment or order, or any chattel mortgage or other lien on household furniture then in the possession and use of the borrower, be valid unless it is in writing, signed in person by the borrower, nor if the borrower is married unless it is signed in person by both husband and wife, provided that written assent of a spouse shall not be required when husband and wife have been living separate and apart for a period of at least five (5) months prior to the making of such assignment, order, mortgage, or lien.

"Sec. 18. No person, except as authorized by this act, shall directly or indirectly charge, contract for, or receive any interest or consideration greater than the lender would be permitted by law to charge if he were not a licensee hereunder upon the loan, use, or forbearance of money, goods, or things in action, or upon the loan, use, or sale of credit of the amount or value of three hundred dollars (\$300) or less.

"The foregoing prohibition shall apply to any person who, by any device, subterfuge, or pretense whatsoever shall charge, contract for, or receive greater interest, consideration, or charges than authorized by this act for any such loans, use, or forbearance of money, goods, or things in action or for any such loan, use, or sale of credit.

"No loan of the amount or value of three hundred dollars (\$300) or less for which a greater rate of interest, consideration, or charges than is permitted by this act has been charged, contracted for, or received, wherever made, shall be enforced in this State and every person in anywise participating therein in this State shall be subject to the provisions of this act, provided that the foregoing shall not apply to loans legally made in any State or Country which then had in effect a regulatory small loan law substantially similar in principle and purpose to this act.

"Sec. 19. Any person, co-partnership, association, or corporation and the several members, officers, directors, agents, and employees thereof, who shall violate or participate in the violation of any of the provisions of sections one (1), twelve (12), thirteen (13), fourteen (14), or eighteen (18) of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment of not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.

"Sec. 20. This act shall not apply to any person doing business under and as permitted by any law of this State or of the United States relating to banks, savings banks, trust companies, building and loan associations, credit unions or licensed pawnbrokers, nor shall it apply to any domestic corporation entitled to the benefits of sections sixty-nine hundred ninety-four (6994) to sixty-nine hundred ninety-six (6996) inclusive.

"Sec. 21. The superintendent is hereby authorized and empowered to make such reasonable and relevant rules and regulations as may be necessary for the execution and the enforcement of the provisions of this act, in addition hereto and not inconsistent herewith. All rules and regulations shall be filed and entered by the superintendent in the banking department in an indexed, permanent book or record, with the effective date thereof suitably indicated, and such book or record shall be a public document.

"Sec. 22. Any person having a license under chapter four hundred nineteen (419) of the code, 1931, in force when this act becomes effective, shall, notwithstanding the repeal of said chapter four hundred nineteen (419), be deemed to have a license under this act for a period expiring December thirty-first next after the said effective date, if not sooner revoked, suspended or surrendered, provided that such person shall keep on file with the superintendent during such period the bond either required by this act or by the said chapter four hundred nineteen (419). Any such license so continued in effect under the provisions of this act shall be subject to revocation during such period as provided in section nine (9) of this act, except that it may not be revoked during such period upon the ground that such licensee has not the minimum amount of assets required in section six (6) of this act.

"Sec. 23. The district court in and for Polk County shall have jurisdiction in an equitable action by an aggrieved party to review any final order, demand, finding, or decision of the superintendent or the state banking board, and to grant such relief as may be warranted by the facts under the provisions of this act. An appeal to the Supreme Court may be taken as in other equitable actions.

"Sec. 24. Chapter four hundred nineteen (419) of the code, 1931, is hereby repealed and all acts and parts of acts whether general, special, or local, which relate to the same subject matter as this act are hereby repealed in so far as they are inconsistent with the provisions of this act.

"Sec. 25. If any clause, sentence, section, provision, or part of this act shall be adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not impair, affect, or invalidate the remainder of this act, which shall remain in full force and effect thereafter."

By unanimous consent, on request of Senator Harrington, the opinion of the attorney general as read by him was ordered printed in the Senate journal.

Senator Coykendall moved the previous question on the substitution, which motion prevailed.

Senator Beardsley moved that Senator Hill be allowed ten additional minutes, under his request to speak, to address the Senate. The motion prevailed.

Roll call was demanded on the substitution.

On the question "Shall the substitution be made?" the vote was:

Ayes, 31.

Anderson	Geske	Miller of	Shangle
Aschenbrenner	Hicklin	Buchanan	Stevens of
Baldwin	Husted	Moore	Decatur
Beatty	Irwin	Mullaney	Stevens of
Byers	Kimberly	Nelson	Wapello
Carden	Leo	Patterson	Topping
Chrystal	McArthur	Reese	Tripp
Doze	Meyer	Roelofs	Wilson
Elthon		Schmidt	

Nays, 15.

Beardsley	Coykendall	Hopkins	Miller of Jones
Bennett	Fisch	Hush	Pendray
Booth	Harrington	Klemme	Wenner
Calhoun	Hill	Knudson	

Absent or not voting, 4.

Frailey	Ritchie	Stanley	Valentine
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The substitution was made. The substitute amendment was adopted.

Senator Elthon offered the following amendments and moved their adoption:

Amend section 13, line 30, by inserting after the word "Until" the following: "March 1, 1935,".

Further amend line 30 by striking therefrom the following: "board shall fix a different".

Further amend lines 35 and 36 by striking the words and figures "three and one-half per centum (3½%)" and inserting in lieu thereof the words and figures "three per centum (3%)".

Roll call was demanded.

On the question "Shall the amendments be adopted?" the vote was:

Ayes, 38.

Aschenbrenner	Calhoun	Harrington	Irwin
Baldwin	Carden	Hicklin	Kimberly
Beardsley	Coykendall	Hill	Klemme
Beatty	Doze	Hopkins	Knudson
Bennett	Elthon	Hush	McArthur
Booth	Fisch	Husted	Meyer

Miller of Buchanan	Nelson Patterson	Roelofs Schmidt	Topping Wenner
Miller of Jones	Pendray	Shangle	Wilson
Mullaney	Reese	Stevens of Decatur	

Nays, 2.

Anderson	Chrystal
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Absent or not voting, 10.

Byers	Leo	Stanley	Tripp
Frailey	Moore	Stevens of	Valentine
Geske	Ritchie	Wapello	

The amendments were adopted.

Senator Coykendall offered the following amendment and moved its adoption:

Amend section 13, line 38, by striking the words and figures "two and one-half per centum (2½%)" and inserting in lieu thereof the words and figures "two per centum (2%)".

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 19.

Aschenbrenner	Doze	Hush	Pendray
Beardsley	Fisch	Husted	Shangle
Beatty	Harrington	Klemme	Wenner
Bennett	Hill	Knudson	Wilson
Coykendall	Hopkins	McArthur	

Nays, 27.

Anderson	Geske	Miller of Jones	Schmidt
Baldwin	Hicklin	Moore	Stevens of
Booth	Irwin	Mullaney	Decatur
Byers	Kimberly	Nelson	Stevens of
Calhoun	Leo	Patterson	Wapello
Carden	Meyer	Reese	Topping
Chrystal	Miller of	Roelofs	Tripp
Elthon	Buchanan		

Absent or not voting, 4.

Frailey	Ritchie	Stanley	Valentine
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The amendment was lost.

Senator Harrington offered the following amendment and moved its adoption:

Amend by striking everything out of section thirteen (13) after the comma following the word "loans" in line six (6) of said section and insert in lieu thereof the following: "and after making such research report in

writing their findings to the next regular session of the general assembly of Iowa. Every licensee may loan any sum not exceeding three hundred dollars (\$300.00) in amount, and may charge, contract for and receive thereon charges including expenses at a rate not exceeding $3\frac{1}{2}\%$ per month on any part of the unpaid principal balance of the loan not in excess of one hundred and fifty dollars (\$150.00), and $2\frac{1}{2}\%$ per month on any remainder of the unpaid principal balance of the loan."

Senator Wenner as a substitute offered the following amendment and moved its adoption:

Amend section 13, line 6, by inserting after the comma following the word "loans", the following: "and after making such investigation, report in writing their findings to the next regular session of the general assembly,".

The substitution was made.

The substitute amendment was adopted.

Senator Hill offered the following amendment and moved its adoption:

Amend by inserting after section 23, the following sections:

"Sec. 24. Exemptions. The head of a family shall have exempt from the provisions of this act as follows:

Household goods of his own selection not exceeding in value the sum of one hundred dollars (\$100) whether said exemption be waived or not by debtor.

Sec. 25. Whenever the debtor claims the exemptions provided for under the provisions of this act, the officer or person having the execution or writ of attachment or other process for service shall select one appraiser, the debtor shall select another and these two appraisers shall select a third. These appraisers shall fix the value of the property claimed by the debtor as exempted under provisions of this act."

Further amend by renumbering the remaining sections.

Action was deferred temporarily.

HOUSE MESSAGES CONSIDERED

House File 343, a bill for an act to amend Section ninety-one hundred eighty-three (9183), Code, 1931, and to permit savings banks to invest in bonds of the Home Owners Loan Corporation, and in Class A Stock of the Federal Deposit Insurance Corporation.

Read first and second times and referred to sifting committee.

House File 344, a bill for an act to amend House File Three Hundred Thirty-one (331), Acts of the Forty-fifth General As-

sembly in Extraordinary Session, relating to the nature of waivers by certificate holders as provided for therein.

Read first and second times and referred to sifting committee.

RESIGNATION OF CLERK

I hereby tender my resignation as committee clerk to Senator L. H. Meyer, effective February 26, 1934.

PAUL L. MEYER.

The resignation was accepted.

REPORT OF SPECIAL COMMITTEE

MR. PRESIDENT: Your committee which was appointed to investigate the activities of certain persons who were interrogating employees of the Senate as to their political affiliations, begs leave to submit its report:

Your committee held several meetings and interviewed and examined several witnesses. All members of the Senate had the opportunity of hearing the statements made by Senator Schmidt on the floor of the Senate at the time this matter arose. Senator Schmidt made the same statements when he was a witness before the committee and he further stated that the Polk County Democratic Central Committee, together with the Democratic State Central Committee, have made an effort in various ways from time to time to have the clerk employed by him discharged, partly because of her affiliations with the Republican party, partly because she is a married woman.

On December 27th, or just prior thereto, Edna May Montgomery secured a list of all the Senate employees. This list was placed in the hands of William Hippee, the Lieutenant Governor's page, and he was instructed by her to interrogate all of the Senate employees and to find out their place of residence, their party affiliation and who recommended them for their position. William Hippee had questioned about one-half of the Senate employees when the activity was stopped because of objections made on the floor of the Senate.

At about the same time William Hippee was questioning certain of the employees in the Senate, Harry Dunlap called all of the janitors employed by the Senate to his office and put the same questions to them, and the same questions were also being put to employees in the Law Library at about the same time.

The activity did not arise from any authority in the Senate but came from sources outside the Senate, and Miss Montgomery and Mr. Dunlap both testified that they were getting this information for and at the request of the Democratic State Central Committee headquarters.

FRANK C. BYERS.

H. L. IRWIN.

D. W. KIMBERLY.

Passed on file.

EXPLANATION OF VOTE

In voting "No" on Senate File 28, I did so as an advocate of tolerance, but I believe with others that the bill as passed would only tend to increase intolerance rather than serve the purpose which the bill honestly intends it should. I believe tolerance and especially religious tolerance to be more a matter of education as to the rights granted to each individual by our constitution rather than one which can be governed by legislative enactment.

FRED W. NELSON.

The journal of February 24th was corrected and approved.

AMENDMENTS FILED

Amend House File 40 as follows:

Amend by striking in line eleven (11), section two (2), the words and figures "one hundred dollars (\$100.00)", and inserting in lieu thereof the following: "fifty dollars (\$50.00) if the liquid assets of the applicant are not in excess of twenty thousand dollars (\$20,000.00), and the sum of one hundred dollars (\$100.00) if the liquid assets of the applicant are in excess of twenty thousand dollars (\$20,000.00)".

Also by striking the words and figures "one hundred fifty dollars (\$150.00)" from line thirteen (13), said section, and inserting in lieu thereof the following: "seventy-five dollars (\$75.00) if the liquid assets of said applicant are not in excess of twenty thousand dollars (\$20,000.00), and one hundred fifty dollars (\$150.00) if the liquid assets of the applicant are in excess of twenty thousand dollars (\$20,000.00)". W. F. MILLER.

Amend House File 40 as follows:

Amend by striking from section 2 lines 20 to 25 inclusive.

JOHN N. CALHOUN.

Amend House File 40, Section eleven (11), line eight (8), by striking the words "first day of March", and inserting in lieu thereof the following: "tenth day of January".

Amend Section thirteen (13), paragraph "(b)" line fifteen (15), by inserting after the word "time" as it last appears in said line, the following: ", commencing March 1, 1935.".

EDW. J. WENNER.

Amend House File 40 by adding the following section:

"Sec. 26. This act being deemed of immediate importance shall be in full force and effect after its passage and publication in the Waterloo Daily Courier, a newspaper published in Waterloo, Iowa, and in the Grundy County Register, a newspaper published in Grundy Center, Iowa."

EDW. J. WENNER.

Amend House File 185 as follows:

Amend by striking from subsection (d) of section two (2) as amended the following:

"The treasurer is authorized to change the above specifications from time to time by regulations issued and published by him as changes are made in the production of motor vehicle fuel and in the devices for the consumption of motor vehicle fuel by motor vehicles."

Further amend by adding as subsection (f) of section two (2) the following:

"(f) The treasurer of the state is authorized to issue and have published, from time to time, regulations in conformity with the provisions of this act, which shall provide more particular descriptions and specifications of the various kinds of fuel which come within the classifications provided for in subsections (d) and (e) of this section."

Further amend by renumbering the remaining subsections of section two (2).

F. M. BEATTY.

Amend House File 336, by striking Sec. 28, and substituting in lieu thereof the following:

"Sec. 28. All outdoor advertising about or concerning any beer permitted to be manufactured and sold under the provisions of this act shall be of a standardized character and no person within the state shall publish or display any outdoor advertising about or concerning such beer without first having obtained the written approval of such plan or form of advertising from the executive council of the state of Iowa."

MORRIS MOORE.

Amend Senate File 155 by adding to Section 1 the following:

"'Farmers Co-operative Association' shall mean a group of farmers of not less than one hundred (100) in number from the same community who have banded themselves together for the purpose of marketing their own livestock and maintain in their regular employ a manager or salesman as their agent for the purpose of directing their activities. The management of said association shall be solely vested in the members thereof."

Amend Senate File 155, Section 3, by adding thereto the following as subsection (a):

"(a) The Secretary shall cause to be given to the United States Bureau of Markets, the Press of Iowa and radio stations serving Iowa with which he can make satisfactory arrangements for publication and reports, daily, a condensed statement of the prices paid at the various concentration points and packing houses for the standardized grades as quoted by the United States Department of Agriculture, Bureau of Markets."

VINCENT F. HARRINGTON
GARRITT E. ROELOFS

1. Amend Senate File 155 by striking from section one (1), line seven (7) after the word "state" the words and punctuation "directly from the producers thereof, their agents or representatives".

2. Further amend by striking from section one (1), line thirty-one (31) the words and figures "twenty-five (25)", and inserting the words and figures "one hundred (100)".

3. Amend section three (3) by striking from line five (5) the word "or" and inserting in lieu thereof the phrase "and/or".

4. Further amend section three (3) by striking from line eight (8) the word "or" and inserting in lieu thereof the phrase "and/or"; also by inserting after the word "grader" in line nine (9) the following: "at such packing house and/or concentration point".

5. Further amend section three (3) by striking the word "producer"

and inserting in lieu thereof the word "seller" wherever the same appears in lines fourteen (14), sixteen (16), eighteen (18), and twenty-eight (28).

6. Further amend section three (3) by striking after the word "grader" in line twenty-two (22) the following: "and the market price of similar livestock at the public stockyards in Chicago, Illinois, on the day of such purchase as determined from the reports issued by the United States, Department of Agriculture and" and inserting in lieu thereof a period.

7. Further amend section three (3) by changing the word "within" to "Within" in line twenty-six (26).

8. Amend section five (5) by striking the word "or" in line one (1) and inserting in lieu thereof the phrase "and/or"; also by striking from line nine (9) the word "to" and inserting after the word "improperly" in line ten (10) thereof the word "to".

9. Amend by striking all of section eight (8).

10. Amend section nine (9) by striking the word "producers" from line eleven (11) and inserting in lieu thereof the word "sellers".

11. Amend section ten (10), by striking after the comma (,) in line nineteen (19) the following: "and a separate license shall be required for each separate place of business;"

12. Amend section eleven (11) by striking after the word "application" in line two (2) the following: "a surety company bond by a surety company duly qualified to do business as such in this state, in the sum of five thousand dollars (\$5,000.00)", and inserting in lieu thereof the following: "a good and sufficient bond in the sum of one thousand dollars (\$1,000.00)".

Further amend section eleven (11) by striking the word "as" in line fifteen (15).

Further amend section eleven (11) by striking the words "at the place or places" in line sixteen (16); also by striking therefrom the words "named in the application" in line seventeen (17) thereof.

13. Amend section twelve (12) by striking from line one (1) the words "may decline to grant or he"; also amend by striking from line fifteen (15) the words "the address of".

14. Amend section fourteen (14) by striking from lines fifteen (15) and sixteen (16) the words and figures "fifteen cents (\$.15)" and inserting in lieu thereof the words and figures "ten cents (\$.10)"; also by striking from line seventeen (17) the words and figures "ten cents (\$.10)" and inserting in lieu thereof the words and figures "four cents (\$.04)"; also amend by striking from line eighteen (18) the words and figures "seven cents (\$.07)" and inserting in lieu thereof the words and figures "five cents (\$.05)".

Further amend section fourteen (14) by striking from line twenty-eight (28) the word "auditor's" and inserting in lieu thereof the word "comptroller's".

15. Amend section fifteen (15) by inserting after the word "to" in line one (1) the following: "farmers cooperative associations as defined in this act,".

16. Amend by striking all of section nineteen (19).

17. Amend by adding as a new section the following:

"Sec. —. This act being deemed of immediate importance shall take

effect from and after its passage and publication in two newspapers in this state as provided by law.

18. Further amend by renumbering the foregoing sections.

GARRITT E. ROELOFS.

VINCENT F. HARRINGTON.

Senator Shangle moved to adjourn until 10:00 a. m. Tuesday.

Senator Byers moved to amend by making the time 9:00 a. m.

Senator Harrington, as a substitute, moved to adjourn until 9:55 a. m.

The substitution was lost.

Senator Wilson, as a substitute for all pending amendments and the main motion, moved that the Senate adjourn until 9:30 a. m.

The substitution was made.

The substitute motion was adopted and the Senate adjourned until 9:30 a. m. Tuesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 27, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Henry McCraven, pastor of the A. M. E. church of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring tax on chain stores. Senator Meyer from business men of Bremer county. Senator Byers from business men of Linn county. Sifting committee.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Harrington for the day, on request of Senator Hicklin; Senator Valentine for the day, on request of Senator Hicklin; Senator Stanley for the day, on request of Senator Wenner.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 21st he had signed the following bill:

Senate File 17, relating to mileage of sheriffs and their deputies.

HOUSE AMENDMENTS CONSIDERED

Senator Wilson called up for consideration Senate File No. 239, amended by the House, and moved that the Senate concur in the following amendments:

Amend section two (2) by adding as paragraph three (3) the following:
"In any city, town, township or benefited district, this act shall become operative when it shall have been submitted to the voters of said city, town, township or benefited district upon a petition of ten per cent of the qualified electors of said city, town, township or benefited district, having been presented to the Board of Supervisors of the County, requesting such

election, which shall be called within fifteen days after the filing of said petition with the Board of Supervisors, unless a regular city, town, township or district election shall be held within thirty days of the filing of said petition, in which case the question shall be submitted to the voters at said general election.

If the majority of the votes cast at said election be in favor thereof, said water system shall be established as herein provided."

Amend the title by striking the "period" at the end thereof and adding the following:

"and providing for the submission of the question to the voters."

On the question "Shall the Senate concur?" the vote was:

Ayes, 30.

Aschenbrenner	Geske	Miller of	Roelofs
Booth	Hill	Buchanan	Schmidt
Byers	Hopkins	Miller of Jones	Shangle
Calhoun	Husted	Moore	Stevens of
Carden	Klemme	Mullaney	Decatur
Coykendall	Leo	Nelson	Tripp
Doze	McArthur	Patterson	Wenner
Fisch	Meyer	Reese	Wilson

Nays, none.

Absent or not voting, 20.

Anderson	Elthon	Irwin	Stanley
Baldwin	Frailey	Kimberly	Stevens of
Beardsley	Harrington	Knudson	Wapello
Beatty	Hicklin	Pendray	Topping
Bennett	Hush	Ritchie	Valentine
Chrystal			

The House amendments having received a constitutional majority were declared to have been adopted and concurred in by the Senate.

THIRD READING OF BILLS

On motion of Senator Doze, House File No. 299, a bill for an act to make permanent the transfer of ten thousand dollars (\$10,000), from the Secondary Road Construction Fund, to the Poor Fund in Taylor County, Iowa, returned by the sifting committee, was taken up and considered.

Senator Hush offered the following amendments and moved their adoption:

Amend by striking the word "permanent" in line one (1) of Section One (1) and inserting in lieu thereof the word "temporary".

Also amend Section One (1) by striking from lines four (4) and five (5) the words "be made, and is thereby legalized, and therefore valid" and inserting in lieu thereof "is hereby made permanent".

The amendments were adopted.

The bill was read for information.

Senator Doze moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 30.

Anderson	Fisch	Miller of	Reese
Aschenbrenner	Geske	Buchanan	Roelofs
Baldwin	Hill	Miller of Jones	Schmidt
Byers	Hopkins	Moore	Stevens of
Carden	Husted	Mullaney	Decatur
Chrystal	Klemme	Nelson	Stevens of
Doze	McArthur	Patterson	Wapello
Elthon	Meyer	Pendray	Topping
			Wilson

Nays, 7.

Beatty	Coykendall	Shangle	Wenner
Calhoun	Ritchie	Tripp	

Absent or not voting, 13.

Beardsley	Harrington	Irwin	Leo
Bennett	Hicklin	Kimberly	Stanley
Booth	Hush	Knudson	Valentine
Fralley			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

HOUSE CONCURRENT RESOLUTION 16 CONSIDERED

Senator Hopkins called up for consideration House Concurrent Resolution 16, as found on page 1224 of the Senate journal, and moved its adoption.

The resolution was adopted.

HOUSE FILE 40 RESUMED

Senator Hill called up for consideration his amendment, upon which action was deferred on page 1236 of the Senate journal and moved its adoption.

Roll call was demanded.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 11.

Beardsley	Fisch	Irwin	Ritchie
Bennett	Hill	Klemme	Tripp
Coykendall	Hopkins	Pendray	

Nays, 34.

Anderson	Frailey	Miller of	Schmidt
Aschenbrenner	Geske	Buchanan	Shangle
Baldwin	Hicklin	Miller of Jones	Stevens of
Booth	Hush	Moore	Decatur
Byers	Husted	Mullaney	Stevens of
Calhoun	Kimberly	Nelson	Wapello
Carden	Knudson	Patterson	Topping
Chrystal	Leo	Reese	Wenner
Doze	Meyer	Roelofs	Wilson
Elthon			

Absent or not voting, 5.

Beatty	McArthur	Stanley	Valentine
Harrington			

The amendment was lost.

Senator Miller of Buchanan offered the following amendment and moved its adoption:

Amend by striking in line eleven (11), section two (2), the words and figures "one hundred dollars (\$100.00)", and inserting in lieu thereof the following: "fifty dollars (\$50.00) if the liquid assets of the applicant are not in excess of twenty thousand dollars (\$20,000.00), and the sum of one hundred dollars (\$100.00) if the liquid assets of the applicant are in excess of twenty thousand dollars (\$20,000.00)."

Also by striking the words and figures "one hundred fifty dollars (\$150.00)" from line thirteen (13), said section, and inserting in lieu thereof the following: "seventy-five dollars (\$75.00) if the liquid assets of said applicant are not in excess of twenty thousand dollars (\$20,000.00), and one hundred fifty dollars (\$150.00) if the liquid assets of the applicant are in excess of twenty thousand dollars (\$20,000.00)."

The amendment was adopted.

Senator Calhoun offered the following amendment and moved its adoption:

Amend by striking from section 2 lines 20 to 25 inclusive.

Roll call was demanded.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 21.

Aschenbrenner	Coykendall	Irwin	Pendray
Beardsley	Elthon	Knudson	Ritchie
Bennett	Fisch	Miller of	Shangle
Booth	Hill	Buchanan	Tripp
Calhoun	Hopkins	Miller of Jones	Wenner
Carden	Hush		

Nays, 22.

Anderson	Geske	Meyer	Schmidt
Baldwin	Hicklin	Moore	Stevens of
Byers	Kimberly	Mullaney	Decatur
Chrystal	Klemme	Nelson	Stevens of
Doze	Leo	Patterson	Wapello
Frailey	McArthur	Roelofs	Topping

Absent or not voting, 7.

Beatty	Husted	Stanley	Wilson
Harrington	Reese	Valentine	

The amendment was lost.

Senator Wenner offered the following amendment and moved its adoption:

Amend Section eleven (11), line eight (8), by striking the words "first day of March", and inserting in lieu thereof the following: "tenth day of January".

Amend Section thirteen (13), paragraph "(b)" line fifteen (15), by inserting after the word "time" as it last appears in said line, the following: ", commencing March 1, 1935,".

A division of the question was asked.

By unanimous consent, on request of Senator Wenner the word "tenth" in line 3 was changed to "twentieth".

The amendment as amended to section 11 was adopted.

The amendment to section 13 was adopted.

Senator Wenner offered the following amendment and moved its adoption:

Amend by adding the following section:

"Sec. 26. This act being deemed of immediate importance shall be in full force and effect after its passage and publication in the Waterloo Daily Courier, a newspaper published in Waterloo, Iowa, and in the Grundy County Register, a newspaper published in Grundy Center, Iowa."

The amendment was adopted.

Senator Hill offered the following amendment and moved its adoption:

Amend by adding to line 12 of section 14 the following:

"payments made under this contract as provided under the provisions of this act shall first be credited on the principal due or payable at the date such payment is made; the remainder of such payment, if any, shall be credited on the interest account;".

Roll call was demanded.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 11.

Bennett	Coykendall	Hopkins	Ritchie
Booth	Fisch	Hush	Shangle
Calhoun	Hill	Pendray	

Nays, 33.

Anderson	Geske	Meyer	Schmidt
Aschenbrenner	Hicklin	Miller of	Stevens of
Baldwin	Husted	Buchanan	Decatur
Beardsley	Irwin	Miller of Jones	Stevens of
Byers	Kimberly	Mullaney	Wapello
Carden	Klemme	Nelson	Topping
Chrystal	Knudson	Patterson	Tripp
Elthon	Leo	Reese	Wenner
Frailey	McArthur	Roelofs	Wilson

Absent or not voting, 6.

Beatty	Harrington	Stanley	Valentine
Doze	Moore		

The amendment was lost.

Senator Calhoun offered the following amendment and moved its adoption:

Amend section 2 by striking from line 23, the words and figures "ten thousand dollars (\$10,000.00)", and inserting in lieu thereof the words and figures "five thousand dollars (\$5,000.00)".

Senator Husted, as a substitute, offered the following amendment and moved its adoption:

Amend section 2 by striking the period following the word "business" at the end thereof, and substituting a comma (,) in lieu thereof, and adding the following: "provided however when the principal place of such business is not located in a city of more than 5,000 population, the amount required shall be only \$5,000.00."

By unanimous consent, on request of Senator Husted the word "only" in the last line was stricken and the words "not less than" were inserted in lieu thereof.

By unanimous consent, on request of Senator Husted, his amendment was withdrawn as a substitute with the provision that it may be offered as a further amendment, if so desired.

Roll call was demanded on the Calhoun amendment.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 26.

Aschenbrenner	Chrystal	Husted	Patterson
Beardsley	Coykendall	Irwin	Pendray
Beatty	Elthon	Knudson	Ritchie
Bennett	Fisch	Miller of	Shangle
Booth	Hill	Buchanan	Tripp
Calhoun	Hopkins	Miller of Jones	Wenner
Carden	Hush	Mullaney	

Nays, 16.

Anderson	Klemme	Nelson	Stevens of
Baldwin	Leo	Roelofs	Wapello
Byers	McArthur	Schmidt	Topping
Geske	Meyer	Stevens of	
Hicklin	Moore	Decatur	

Absent or not voting, 8.

Doze	Harrington	Reese	Valentine
Frailey	Kimberly	Stanley	Wilson

The amendment was adopted.

Senator Beatty offered the following amendment and moved its adoption:

Amend section 6, line 9, by striking the words and figures "ten thousand dollars (\$10,000.00)" and inserting in lieu thereof the words and figures "five thousand dollars (\$5,000.00)".

The amendment was adopted.

Senator Wenner offered the following amendment and moved its adoption:

Amend section 13, subsection (d), by striking all after the figures "(13)" in line 31, down to and including the word "loans" in line 35 of said paragraph.

Senator Hicklin, as a substitute offered the following amendment and moved its adoption:

Amend section 13, subsection (d), by striking all after the figures "1935" in line 30, down to and including the word "hereunder," in line 34.

The substitution was made.

The substitute amendment was adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend section 13, subsection (d) by inserting after the figures "1935," the following: "and until such further time as a different rate is fixed by the board,".

The amendment was adopted.

The bill was read for information.

Senator Hicklin moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 46.

Anderson	Elthon	Knudson	Ritchie
Aschenbrenner	Fisch	Leo	Roelofs
Baldwin	Frailey	McArthur	Schmidt
Beardsley	Geske	Meyer	Shangle
Beatty	Hicklin	Miller of	Stevens of
Bennett	Hill	Buchanan	Decatur
Booth	Hopkins	Miller of Jones	Stevens of
Byers	Hush	Mullaney	Wapello
Calhoun	Husted	Nelson	Topping
Carden	Irwin	Patterson	Tripp
Chrystal	Kimberly	Pendray	Wenner
Coykendall	Klemme	Reese	Wilson
Doze			

Nays, 1.

Moore

Absent or not voting, 3.

Harrington Stanley Valentine

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hicklin moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

COPIES HOUSE FILE 40 ORDERED

By unanimous consent, on request of Senator Nelson, 600 additional copies of House File 40 as passed by the Senate were ordered printed.

On motion of Senator Shangle the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

THIRD READING OF BILLS

On motion of Senators Chrystal and Roelofs, Senate File 155, a bill for an act to provide for the licensing of direct buyers of livestock, regulating the conduct of such buyers, providing for

the weighing, grading, and docking of livestock so bought, and for the inspecting of scales used in such weighing, prohibiting discrimination and unfair competition in such purchases, and providing penalties, and repealing Chapter sixty-seven (67), Acts of the Forty-fourth General Assembly, returned by the sifting committee, was taken up, and considered.

The bill was read for information.

President pro tempore Harold L. Irwin was called to the chair at 1:45 p. m.

Senator Roelofs moved that Lieutenant Governor N. G. Kraschel be permitted to address the Senate and answer questions on the subject matter of Senate File 155, also that any other proponent or opponent of the bill be allowed to be heard by consent of the Senate.

The motion prevailed.

Lieutenant Governor N. G. Kraschel addressed the Senate.

Senator Patterson moved that Senate File 155 be indefinitely postponed.

Senator Knudson, as a substitute, moved to defer action on the bill and make it a special order of business for Thursday at 10:00 a. m.

Senator Wenner raised the point of order that the motion of Senator Knudson was out of order as a substitute motion to defer for a motion of indefinite postponement.

The President held the point of order well taken.

CALL OF THE SENATE

MR. PRESIDENT: We, the undersigned Senators, request a call of the Senate on all matters pertaining to Senate File 155.

G. E. ROELOFS.

ROY E. STEVENS.

I. G. CHRYSTAL.

W. F. MILLER.

T. W. MULLANEY.

HOMER HUSH.

O. P. BENNETT.

LEO ELTHON.

MIKE FISCH.

PAUL H. ANDERSON.

J. R. FRAILEY.

M. X. GESKE.

D. MYRON TRIPP.

L. H. MEYER.

Roll call revealed the presence of all members of the Senate ex-

cept Senators Baldwin, Coykendall, Harrington, Hicklin, Schmidt, Stanley, Topping and Valentine.

Senator Frailey moved that Senator Harrington be excused from the call on account of illness.

The motion prevailed.

Senator Patterson moved that all absent Senators be excused as far as his motion for indefinite postponement was concerned.

The motion was lost.

Senator Frailey moved that action on Senate File 155 and all matters pertaining thereto be deferred until 10:00 a. m. Thursday.

Senator Hill raised the point of order that the motion of Senator Frailey was out of order as the call of the Senate applied to all action pertaining to the bill.

Senator Wilson moved to adjourn until 10:00 a. m. Wednesday.

The motion was withheld for the filing of some reports.

The journal of February 26th was corrected and approved.

REPORT OF CONFERENCE COMMITTEE ON HOUSE FILE 292

MR. PRESIDENT AND MR. SPEAKER: We, the undersigned conference committee appointed to consider the difference between the Senate and the House on House File No. 292, being a bill for an Act to control the alcoholic liquor traffic in Iowa, providing for the necessary set-up in connection therewith, fixing penalties and fines for the violation of the provisions of this Act and to repeal chapters ninety-four (94) to one hundred four (104), inclusive, which includes sections nineteen hundred twenty-two (1922) to and including section twenty-one hundred eighty (2180) of the nineteen hundred thirty-one (1931) Code of Iowa, and any and all laws or parts of laws inconsistent with this Act, begs leave to report that it has had the same under consideration and recommends that the bill, as passed by the Senate, be amended as follows:

1. Amend section 2 by adding at the beginning thereof the following:

"Chapter forty-two (42) of the Acts of the forty-fifth (45) General Assembly and Chapters ninety-four (94) to one hundred four (104), inclusive, which includes sections nineteen hundred twenty-two (1922) to and including section twenty-one hundred eighty (2180) of the 1931 Code of Iowa, are hereby repealed and".

Also amend section 2 by striking the word "Wherever" in the first line and inserting the word "wherever".

2. Amend section 4 by striking subsections twenty (20) and twenty-two (22) and renumbering the subsections.

3. Amend section 5 by striking from line two of subsection one the word "five" and inserting in lieu thereof the word "three".

Further amend by striking from line three the word "three" and inserting in lieu thereof the word "two".

4. Amend sub-section 4 of section 5 by striking from line 36 the words "five thousand" and inserting in lieu thereof the words "four thousand five hundred".

5. Amend sub-section 5 of section five by striking from line 53 the words and figures "two-thirds (2/3)" and inserting in lieu thereof the word "majority". Further amend said sub-section by striking the word "two" wherever it appears in lines 54 and 55 and inserting in lieu thereof when stricken the word "one". Also, further amend sub-section 5 by striking from line 61 the words "two-thirds" and inserting in lieu thereof the word "majority".

6. Amend section 7 by striking all after the word "package" in line 31 of sub-section (h) and inserting in lieu thereof a period (.)

7. Amend section 7 by striking sub-section (1).

8. Amend section 10 by inserting after the word "such" in line 21 of sub-section (3) the words "city or".

9. Amend sub-section (4) of section 10 by inserting after the word "any" in line 24 the words "city or".

10. Amend section 20 by striking from line 32 the word "or".

11. Amend by striking all of section 29 and renumbering the remaining sections.

12. Amend section 31 by striking from line 7 the word "supplying" and insert the words "selling to".

13. Amend section 36 by striking from line 1 the following: "Except as otherwise provided,". Further amend by striking from line one the word "it" and insert in lieu thereof the word "It".

14. Amend section 43 by striking from line 6 the words "twenty-six" and insert in lieu thereof the words "twenty-eight".

15. Amend section 68 by striking from line 1 the words "break into or".

16. Amend the title by striking from line 11 the comma (,) following the word "assembly" and inserting in lieu thereof the word "and".

J. R. FRAILEY.

VINCENT F. HARRINGTON.

G. E. ROELOFS.

H. L. IRWIN.

E. H. FABRITZ.

JOHN H. MITCHELL.

DEWEY E. GOODE.

E. A. JOHNSON.

On the part of the Senate.

On the part of the House.

CALL OF THE SENATE

MR. PRESIDENT: We, the undersigned Senators, request a call of the

Senate for the consideration of the Conference Committee Report on H. F. 292 at 11:00 a. m. on Wednesday, February 28, 1934:

J. R. FRAILEY.

CHRIS REESE.

G. E. ROELOFS.

PAUL ANDERSON.

MIKE G. FISCH.

I. G. CHRYSTAL.

W. F. MILLER.

H. C. BALDWIN.

M. MOORE

H. L. IRWIN.

RICHARD V. LEO.

D. W. KIMBERLY.

PAUL W. SCHMIDT.

T. W. MULLANEY.

L. T. SHANGLE.

SENATE CONCURRENT RESOLUTION NO. 13

Be It Resolved by the Senate, the House of Representatives concurring:
That the Forty-fifth General Assembly in Extraordinary Session adjourn, sine die, at 12 o'clock noon, Saturday, March 3, 1934.

JOHN N. CALHOUN.

WM. S. BEARDSLEY.

FRANK C. BYERS.

GEO. A. WILSON.

G. W. PATTERSON.

Passed on file.

REPORT OF SIFTING COMMITTEE

MR. PRESIDENT: Your Sifting Committee begs leave to report that it has had the following bills under consideration and recommends that they be placed on the calendar:

H. F. 278, S. F. 323, H. F. 334, H. F. 135, H. F. 335, S. F. 139, H. F. 146.

M. X. GESKE, *Chairman.*

AMENDMENTS FILED

Amend Senate File 66 by inserting before the word "manufactured" in line twenty-six (26) of section two (2) the words "except articles", and also by inserting after the word "manufactured" in the same line the words "in Iowa".

CLYDE H. TOPPING.

Amend the committee amendment to Senate File 53, by striking Section 1, and substituting in lieu thereof the following:

"Section 1. In order to cooperate with the United States Department of Agriculture and the Agricultural Adjustment Administration and extension service in continuing the activities contemplated in chapter one hundred thirty-eight (138), Code, 1931, in any county where no farm aid organization qualifies for county aid as provided in said chapter, an organization shall then qualify for county aid for the above mentioned purposes as hereinafter provided."

WM. MCARTHUR

HOMER HUSH

LEO ELTHON

I. G. CHRYSTAL

Amend subsection (j) of section two (2) of House File 185 by striking all of such subsection after the word "for" in line sixty-three (63) thereof and inserting in lieu thereof the following:

"such purposes as shall allow the purchaser to obtain the same tax free under the provisions of this Act."

HOMER HUSH.

Amend House File 185 as follows:

Amend by striking from subsection (d) in section two (2), as amended, the following:

"The treasurer is authorized to change the above specifications from time to time by regulations issued and published by him as changes are made in the production of motor vehicle fuel and in the devices for the consumption of motor vehicle fuel by motor vehicles."

Amend by striking out subsection (e) and inserting in lieu thereof the following three subsections:

"e. The term "motor fuel" shall mean those motor vehicle fuels which alone and without being combined with other petroleum products or other substances are capable of successfully operating by combustion an internal combustion engine of the type used in automobiles and trucks such as gasoline or other petroleum products or other substances having similar qualities."

"f. The term "fuel oil" shall mean those motor vehicle fuels which alone and without being combined with other petroleum products or other substances are incapable of successfully operating by combustion an internal combustion engine of the type used in automobiles and trucks such as ordinary kerosene, distillate and gas oil or other petroleum products or other substances having similar qualities."

"g. The treasurer of the state is authorized to issue and have published, from time to time, regulations in conformity with the provisions of this act, which shall provide more particular descriptions and specifications of the various kinds of fuel which come within the classifications provided for in subsections (d), (e) and (f) of this section."

Further amend by relettering the remaining subsections of section two (2) as subsections (h) to (p) inclusive.

F. M. BEATTY.

Amend Senate File 139 by striking all after the enacting clause and by substituting therefor the following:

Section 1. A state-wide emergency productive of widespread unemployment and disorganization of industry, which burdens commerce, affects the public welfare, and undermines the standards of living of the people of this state is hereby declared to exist, and it is hereby recognized that such an emergency exists throughout the nation. It is hereby declared to be the policy of this state to remove obstructions to the free flow of commerce which tend to diminish the amount thereof; and to provide for the general welfare by cooperating with and assisting the national government in promoting the organization of industry for the purpose of cooperative action among trade groups, to induce and maintain united action of labor and management under adequate governmental sanctions and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industry, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing purchasing power, to reduce and relieve unemployment, to improve standards of labor and

otherwise to rehabilitate industry and conserve natural resources, and otherwise as announced in the Act of Congress entitled: "An Act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes" approved June 16, 1933, and hereinafter referred to as the National Industrial Recovery Act.

Sec. 2. To effectuate the policy of this Act, the Governor is hereby authorized to consent to the President of the United States utilizing state and local officers and employees in effectuating the policies of the National Industrial Recovery Act in accordance with the provisions of Section 2 (a) of that Act.

Sec. 3. No person shall refrain from complying with the provisions of any code of fair competition which has been or may be approved pursuant to the National Industrial Recovery Act, or of any agreement which has been or may be entered into pursuant to Section 4 (a) of Title I of said Act, or of any announcement and regulations providing for the licensing of business enterprises, which has been or may be issued pursuant to said Act, on the ground that he is not engaged in transactions in or affecting interstate or foreign commerce.

Sec. 4. The terms and conditions of any code of fair competition which has been or may be approved pursuant to the terms of the National Industrial Recovery Act, and of any announcement and regulations for the licensing of business enterprises which have been or may be issued pursuant to the terms of said Act for any trade or industry or subdivision thereof, shall be the standards of fair competition for such trade or industry or subdivision thereof in all its transactions within this state not in or affecting interstate or foreign commerce. The terms and conditions of any agreement which has been or may be entered into pursuant to Section 4 (a) of Title I of said Act shall be the standards of fair competition for the person or persons entering into such agreement, in all transactions within this state, not in or affecting interstate or foreign commerce. The violation within this state of any standard of fair competition shall be deemed an unfair method of competition and illegal.

Sec. 5. When a code of fair competition has been approved pursuant to the terms of the National Industrial Recovery Act, or any agreement has been entered into pursuant to Section 4 (a) of Title I of said Act, any violation of any provision of such code or agreement within this state, whether or not in a transaction in or affecting interstate or foreign commerce, shall be a misdemeanor and upon conviction thereof an offender shall be fined not more than five hundred dollars (\$500.00) for each offense, and each day such violation continues shall be deemed a separate offense.

Sec. 6. Any person who, without a license issued pursuant to the terms of the National Industrial Recovery Act or in violation of any condition of such license, carries on any business in this state for which a license shall be required by announcement and regulations as provided for in the National Industrial Recovery Act, whether or not such business is in or affects interstate or foreign commerce, shall upon conviction thereof be fined not more than five hundred dollars (\$500.00), or im-

prisoned not more than six months, or both, and each day such violation continues shall be deemed a separate offense.

Sec. 7. Any person subject to and complying with the terms and conditions of any code of fair competition which has been or may be approved pursuant to the terms of the National Industrial Recovery Act, or of any agreement which has been or may be entered into pursuant to section 4 (a) of Title I of said Act, or of any announcement and regulations for the licensing of business enterprises which have been or may be issued pursuant to said Act, for any trade or industry or subdivision thereof within this state, or any county attorney of this state, may institute a suit to prevent and restrain any violation of any provision thereof within this state, whether or not in a transaction in or affecting interstate or foreign commerce. The district courts of this state are hereby invested with jurisdiction to entertain such suits.

Sec. 8. Any agreement entered into with or approved by the President under the provisions of the National Industrial Recovery Act may be approved by the Governor after such reasonable notice and hearing as he shall prescribe, as a Code (or as a part of, or supplement to a Code) of Fair Competition for the trade or industry, or subdivisions thereof, to which such agreement relates. The violation within this state of any provision of such a Code (or part of, or supplement to, a Code) of Fair Competition shall be deemed an unfair method of competition in violation of this Act, constituting a misdemeanor, and upon conviction thereof, an offender shall be fined not more than five hundred dollars (\$500.00) for each offense. Each day such violation continues shall be deemed a separate offense. The several district courts of this state are hereby invested with jurisdiction to prevent and restrain such violations upon complaint of any district attorney of this state or of any person subject to and complying with the terms and conditions of any agreement which has been approved by the Governor as a Code (or as a part of, or supplement to, a Code) of Fair Competition as provided in this section.

Sec. 9. To effectuate the policy of this Act the Governor is hereby authorized to establish such agencies, to accept and utilize such voluntary and uncompensated services, to appoint such officers and employees and to utilize such state officers and employees and, with the consent of the United States, to utilize such Federal officers and employees, as he may find necessary, to prescribe their authorities, duties, responsibilities and tenure, and to fix compensation of any officers and employees so appointed.

Sec. 10. While this Act is in effect, (or in the case of a license, while section 4 (b) of Title I of the National Industrial Recovery Act is in effect,) and for sixty days thereafter, any code of fair competition which has been or may be approved pursuant to the terms of the National Industrial Recovery Act, and any agreement which has been or may be entered into pursuant to Section 4 (a) of Title I of said Act, and any license which has been or may be issued pursuant to the terms of said Act, and any action taken during such period complying with the provisions of any such code, agreement or license (including the acts of any person or persons interested in any trade or industry or subdivision thereof in meeting, conferring or agreeing upon any code of fair competition or agreement), or with the provisions of this Act, shall be exempt

from the provisions of the anti-trust laws of this state, or any court order or decree issued thereunder, whether or not the trade or industry or subdivision thereof subject to such code, agreement, or license, or the action complying with such code, agreement, or license is in or affects interstate or foreign commerce.

Sec. 11. In furtherance of the purposes and policies of this Act and of the National Industrial Recovery Act, any department of this state and the governing body of any subdivision, municipal corporation or district and any public officer or person charged with the letting of contracts for (1) the construction, alteration or repair of public works or (2) the purchasing of materials or supplies for public use, shall let such contracts only to those persons who agree in and by the terms of such contracts to use or supply only articles, materials and supplies mined, produced, manufactured or supplied by a person who has agreed to the terms of a code of fair competition approved pursuant to the terms of the National Industrial Recovery Act in every case where such a code has been approved pursuant to the terms of said Act, for such trade or industry or subdivision thereof, and who is duly licensed to carry on such business pursuant to the terms of said Act, if a license is required by announcement and regulations issued pursuant to said Act for the carrying on of such business, or by a person who has entered into an agreement pursuant to Section 4 (a) of Title I of said Act in case he is not subject to a code of fair competition approved pursuant to the National Industrial Recovery Act. Any practices in violation of such terms of such contracts shall be deemed the use of unfair methods of competition and illegal. Agreement to the terms of a code may be evidenced in writing in such manner as prescribed for evidencing adherence or assent to a code, by the National Recovery Administration pursuant to the National Industrial Recovery Act.

Sec. 12. This Act shall cease to be in effect on June 16, 1935, or sooner, if, as provided in Section 2 (c) of Title I of the National Industrial Recovery Act, the President shall by proclamation or the Congress shall by joint resolution declare that the national emergency recognized by the National Industrial Recovery Act has ended.

Sec. 13. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Sec. 14. A code of fair competition approved pursuant to the National Industrial Recovery Act, an agreement entered into pursuant to Section 4 (a) of Title I of said Act, and announcement and regulations for licensing of business enterprises issued pursuant to the terms of the National Industrial Recovery Act, as used in this Act, shall be deemed to include all supplements, amendments, modifications, exemptions and exceptions to such code, agreement, or announcement and regulations, which shall have become effective pursuant to the terms of the National Industrial Recovery Act.

Sec. 15. As used in this Act, the term "person" includes any individual, partnership, association, trust, or corporation; and the term "interstate and foreign commerce" and "interstate or foreign commerce" include, except where otherwise indicated, trade or commerce among the several

States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory of foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia, or any Territory or any insular possession or other place under the jurisdiction of the United States.

Sec. 16. This Act is hereby declared to be an urgent emergency measure to preserve the general welfare of the people of the state and to promote cooperation with the national government in the enforcement of the National Industrial Recovery Act.

Sec. 17. This Act may be known and cited as the State Industrial Recovery Act.

Sec. 18. This Act, being deemed of immediate importance, shall be in full force and effect after passage and publication in the Herald-Patriot, a newspaper published in Chariton, Iowa, and the Freeman Journal, a newspaper published at Webster City, Iowa.

J. E. DOZE.

The motion to adjourn, having been withheld for routine business, was before the Senate. The motion prevailed and the Senate adjourned until 10:00 a. m. Wednesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, FEBRUARY 28, 1934.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. Edwin L. Spiller, pastor of the Simpson M. E. Church of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring old age pension bill. Senator Calhoun from voters of Fairfield. Judiciary No. 2.

Favoring Senate File 139. Senator Mullaney from barbers of Oelwein. Sifting committee.

NATIONAL RECOVERY ADMINISTRATION

Des Moines, Iowa, February 27, 1934.

TO THE MEMBERS OF THE SENATE OF IOWA,
State House, Des Moines, Iowa.

The State Advisory Board of the National Emergency Council have, in meeting on Tuesday afternoon, February 27, 1934, resolved that they endorse and ask the active support of the Iowa State Legislature of Senate File 139, by Doze.

Respectfully submitted,

State Advisory Board, National Emergency Council.

HARRY SHAW.

GEO. S. SILKNITTER.

O. C. PFAFF.

J. J. HUGHES.

W. H. KLAUER.

CHAS. ADSIT.

J. C. LEWIS.

E. P. SCHOENTGEN.

JOHN C. REID.

T. HARRY FOSTER.

RUDOLPH LEYTZE.

CALL OF THE SENATE

MR. PRESIDENT: We, the undersigned Senators, request a call of the Senate for the consideration of any resolution fixing a date for adjourn-

ment of the Forty-fifth General Assembly in Extraordinary Session, when same is brought up for consideration.

PAUL W. SCHMIDT.

T. W. MULLANEY.

J. E. DOZE.

CARL ASCHENBRENNER.

L. T. SHANGLE.

FRANK M. STEVENS.

M. MOORE.

L. H. MEYER.

D. MYRON TRIPP.

CHRIS REESE.

W. F. MILLER.

WM. MCARTHUR.

I. G. CHRYSAL.

M. X. GESKE.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 299, a bill for an act to make permanent the transfer of funds from the Secondary Road Construction Fund, to the Poor Fund in Taylor County, Iowa.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 332, a bill for an act relating to the election and other proceedings required preliminary to the issuance of bonds for certain purposes by cities and towns.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE MESSAGE CONSIDERED

House File 332, a bill for an act to revise and amend section sixty-two hundred forty-five (6245) of the Code of 1931, relating to the election and other proceedings required preliminary to the issuance of bonds for certain purposes by cities and towns.

Read first and second times and referred to sifting committee.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, Senate Files 321, 108, 273, 252, 233 and 239.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President pro tempore of the Senate announced that, as President pro tempore of the Senate, he had signed in the presence of the Senate, Senate Files 321, 108, 273, 252, 233 and 239.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 28th day of February, 1934, sent to the Governor for his approval, Senate Files 321, 108, 273, 252, 233 and 239.

HOMER HUSH, *Chairman.*

Passed on file.

MOTION TO RECONSIDER HOUSE FILE 185 CONSIDERED

Senator Beatty called up for consideration his motion to reconsider the vote by which House File 185 passed the Senate, as found on page 1206 of the Senate journal, and moved its adoption.

On the question "Shall the motion to reconsider prevail?" the vote was:

Ayes, 39.

Aschenbrenner	Doze	Klemme	Reese
Baldwin	Elthon	Knudson	Ritchie
Beardsley	Frailey	Leo	Roelofs
Beatty	Geske	McArthur	Shangle
Bennett	Hicklin	Meyer	Stanley
Booth	Hill	Miller of Jones	Stevens of
Calhoun	Hopkins	Moore	Wapello
Carden	Hush	Mullaney	Tripp
Chrystal	Irwin	Patterson	Wenner
Coykendall	Kimberly	Pendray	Wilson

Nays, none.

Absent or not voting, 11.

Anderson	Husted	Nelson	Stevens of
Byers	Miller of	Schmidt	Decatur
Fisch	Buchanan		Topping
Harrington			Valentine

The motion to reconsider prevailed.

Senator Beatty called up for consideration his motion to reconsider the vote by which House File 185 passed to its third reading, as found on page 1216 of the Senate journal, and moved its adoption.

The motion prevailed.

Senator Beatty offered the following amendment and moved its adoption:

Amend by striking from subsection (d) in section two (2), as amended, the following:

"The treasurer is authorized to change the above specifications from time to time by regulations issued and published by him as changes are made in the production of motor vehicle fuel and in the devices for the consumption of motor vehicle fuel by motor vehicles."

Amend by striking out subsection (e) and inserting in lieu thereof the following three subsections:

"e. The term "motor fuel" shall mean those motor vehicle fuels which alone and without being combined with other petroleum products or other substances are capable of successfully operating by combustion an internal combustion engine of the type used in automobiles and trucks such as gasoline or other petroleum products or other substances having similar qualities."

"f. The term "fuel oil" shall mean those motor vehicle fuels which alone and without being combined with other petroleum products or other substances are incapable of successfully operating by combustion an internal combustion engine of the type used in automobiles and trucks such as ordinary kerosene, distillate and gas oil or other petroleum products or other substances having similar qualities."

"g. The treasurer of state is authorized to issue and have published, from time to time, regulations in conformity with the provisions of this act, which shall provide more particular descriptions and specifications of the various kinds of fuel which come within the classifications provided for in subsections (d), (e) and (f) of this section."

Further amend by relettering the remaining subsections of section two (2) as subsections (h) to (p) inclusive.

The amendment was adopted.

By unanimous consent, on request of Senator Beatty, his amendments as found on pages 1238 and 1239 of the Senate journal were withdrawn.

Senator Hush offered the following amendment and moved its adoption:

Amend subsection (j) of section two (2) by striking all of such subsection after the word "for" in line sixty-three (63) thereof and inserting in lieu thereof the following:

"such purposes as shall allow the purchaser to obtain the same tax free under the provisions of this Act."

The amendment was adopted.

By unanimous consent, on request of Senator Hush, his amendment as just adopted was amended by adding after the word "for" in line 2 the following: "as it appears the second time".

Senator Shangle offered the following amendment and moved its adoption:

Amend subsection (g) of the Beatty amendment as adopted by inserting after the word "authorized" the words "and directed".

The amendment was adopted.

The bill was read for information.

Senator Knudson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 46.

Aschenbrenner	Frailey	Meyer	Schmidt
Baldwin	Geske	Miller of	Shangle
Beardsley	Hicklin	Buchanan	Stanley
Beatty	Hill	Miller of Jones	Stevens of
Bennett	Hopkins	Moore	Decatur
Booth	Hush	Mullaney	Stevens of
Byers	Irwin	Nelson	Wapello
Calhoun	Kimberly	Patterson	Topping
Carden	Klemme	Pendray	Tripp
Chrystal	Knudson	Reese	Valentine
Coykendall	Leo	Ritchie	Wenner
Doze	McArthur	Roelofs	Wilson
Elthon			

Nays, none.

Absent or not voting 4.

Anderson	Fisch	Harrington	Husted
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Knudson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

COPIES OF HOUSE FILE 185 ORDERED

By unanimous consent, on request of Senator Knudson, 1,200 extra copies of House File 185 as amended and passed by the Senate were ordered printed.

Senator Patterson moved that from now on until the end of the session a two-thirds vote of the members of the Senate be required to remove a bill from the sifting committee.

Senator Hill raised the point of order that it took a two-thirds vote to change the rules and the Patterson motion should lay over under the rules, for one day.

The President pro tempore ruled that it required a two-thirds vote to change or amend the rules, but as to making a new rule,

the Senate can, of course by a majority vote, make such a new rule.

By unanimous consent, on request of Senator Patterson, action on his motion was deferred until tomorrow.

Senator Coykendall moved that House File 83 be called from the sifting committee and placed on the calendar.

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the motion prevail?" the vote was:

Ayes, 17.

Aschenbrenner	Hill	Mullaney	Roelofs
Calhoun	Meyer	Pendray	Schmidt
Coykendall	Miller of Jones	Reese	Shangle
Doze	Moore	Ritchie	Stevens of
Elthon			Decatur

Nays, 27.

Anderson	Hicklin	Leo	Stevens of
Baldwin	Hopkins	McArthur	Wapello
Beatty	Hush	Miller of	Topping
Booth	Irwin	Buchanan	Tripp
Byers	Kimberly	Nelson	Valentine
Fisch	Klemme	Patterson	Wenner
Frailey	Knudson	Stanley	Wilson
Geske			

Absent or not voting, 6.

Beardsley	Carden	Harrington	Husted
Bennett	Chrystal		

The motion was lost.

CHANGE IN CALL

By unanimous consent, on request of Senator Frailey, the call on House File 292, filed to apply at 11:00 a. m. today, was changed to apply to 2:00 p. m. Thursday.

THIRD READING OF BILLS

On motion of Senator Chrystal, Senate File 265, a bill for an act to amend section eighteen hundred twelve (1812) of the Code, 1931, relative to the jurisdiction of the State Board of Conservation over streams and lakes, and extending such jurisdiction to all streams and lakes of the State of Iowa, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Chrystal moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Anderson	Doze	McArthur	Schmidt
Aschenbrenner	Elthon	Meyer	Shangle
Baldwin	Fisch	Moore	Stevens of
Beardsley	Geske	Mullaney	Decatur
Bennett	Hopkins	Nelson	Stevens of
Booth	Hush	Patterson	Wapello
Byers	Irwin	Pendray	Topping
Carden	Kimberly	Reese	Valentine
Chrystal	Klemme	Ritchie	Wenner
Coykendall	Knudson	Roelofs	

Nays, 4.

Hill	Miller of Buchanan	Miller of Jones	Stanley
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Absent or not voting, 9.

Beatty	Harrington	Husted	Tripp
Calhoun	Hicklin	Leo	Wilson
Frailey			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Chrystal moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

Senator Schmidt asked unanimous consent to consider Senate File 68.

Objection was raised.

Senator Schmidt moved that Senate File 68 be considered.

The motion prevailed.

On motion of Senator Schmidt, Senate File 68, a bill for an act to make an appropriation for the use of the State Board of Conservation, with report of appropriations committee, without recommendation, was taken up, considered, and the report of the committee adopted.

Senator Mullaney moved the previous question, which motion prevailed.

The bill was read for information.

Senator Chrystal moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 42.

Anderson	Fisch	McArthur	Schmidt
Aschenbrenner	Frailey	Meyer	Shangle
Baldwin	Geske	Miller of	Stevens of
Beardsley	Hicklin	Buchanan	Decatur
Bennett	Hopkins	Mullaney	Stevens of
Booth	Hush	Nelson	Wapello
Calhoun	Irwin	Patterson	Topping
Carden	Kimberly	Pendray	Tripp
Chrystal	Klemme	Reese	Valentine
Coykendall	Knudson	Ritchie	Wenner
Doze	Leo	Roelofs	Wilson
Elthon			

Nays, 2.

Hill	Stanley
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Absent or not voting, 6.

Beatty	Harrington	Miller of Jones	Moore
Byers	Husted		

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

Senator Schmidt moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

On motion of Senator Shangle, the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

LEAVE OF ABSENCE

Senator Frailey moved that Senator Harrington be excused indefinitely, on account of illness.

The motion prevailed.

CONFERENCE REPORT ON HOUSE FILE 292 MADE SPECIAL ORDER

By unanimous consent, on request of Senator Frailey, the report of the conference committee on House File 292 was made a special order for Thursday at 2:00 p. m.

SENATE FILE 155 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate except Senators Anderson, Fisch, Harrington, Leo and Miller of Buchanan.

Senator Harrington was previously excused on account of illness.

Senator Roelofs asked unanimous consent that all absent Senators be excused from the call today.

Objection was raised.

Senator Anderson appeared in the Senate chamber.

Senator Wenner withdrew his objection and the absent Senators were excused.

By unanimous consent, on request of Senator Hill, his point of order, as shown on page 1251 of the Senate journal, was withdrawn.

Senator Frailey called up his motion to defer action on Senate File 155 until 10:00 a. m. Thursday, as shown on page 1251 of the Senate journal, and moved its adoption.

The motion prevailed.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Ritchie, Senate File 100, a bill for an act to regulate the sale of substitutes for lard as defined herein, by providing an inspection fee and excise tax and the manner in which said fee and tax shall be paid, and providing the means and manner of the administration and enforcement thereof by the Secretary of Agriculture, with report of appropriations committee recommending passage, was taken up and considered, the bill having been referred to such committee, as shown on page 837 of the Senate journal.

Senator Tripp moved that the bill be referred to the sifting committee.

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the motion prevail?" the vote was:

Ayes, 22.

Anderson	Irwin	Schmidt	Topping
Aschenbrenner	Kimberly	Shangle	Tripp
Baldwin	Knudson	Stevens of	Valentine
Byers	Meyer	Decatur	Wenner
Frailey	Miller of Jones	Stevens of	Wilson
Geske	Mullaney	Wapello	
Hicklin			

Nays, 19.

Beatty	Doze	Klemme	Patterson
Bennett	Elthon	Leo	Pendray
Booth	Hopkins	McArthur	Ritchie
Calhoun	Hush	Moore	Roelofs
Coykendall	Husted	Nelson	

Absent or not voting, 9.

Beardsley	Fisch	Miller of	Reese
Carden	Harrington	Buchanan	Stanley
Chrystal	Hill		

The motion prevailed and the bill was referred to the sifting committee.

By unanimous consent, on motion of Senator Coykendall, House File 223, a bill for an act to create a commission of aeronautics; to prescribe the powers and duties thereof; to provide for investigations and hearings by said commission; to provide for certain law enforcement duties thereof, and for appeal from the orders of said commission, returned by the sifting committee, was taken up and considered.

Senator Calhoun offered the following amendment and moved its adoption:

Amend by striking the period at the end of section 1, inserting a comma in lieu thereof and adding the following:

"with the approval of two-thirds of the members of the Senate in executive session."

The amendment was adopted.

Senator Coykendall offered the following amendment and moved its adoption:

Amend section 3, line 1 by striking the word "filed" and inserting in lieu thereof the word "filled".

The amendment was adopted.

Senators Knudson and Hicklin offered the following amendment and moved its adoption:

Amend by adding a new section as follows:

"Sec. 14. This act being deemed of importance shall be in effect from and after its publication in the Daily Freeman Journal, a newspaper published at Webster City, Iowa, and the Wapello Republican, a newspaper published at Wapello, Iowa."

The amendment was lost.

The bill was read for information.

Senator Coykendall moved that the reading just had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 33.

Anderson	Frailey	McArthur	Stevens of
Baldwin	Geske	Meyer	Decatur
Bennett	Hicklin	Miller of Jones	Stevens of
Booth	Hill	Moore	Wapello
Byers	Hopkins	Mullaney	Topping
Carden	Husted	Nelson	Tripp
Chrystal	Irwin	Reese	Valentine
Coykendall	Knudson	Roelofs	Wilson
Doze	Leo	Schmidt	

Nays, 14.

Beardsley	Hush	Miller of	Ritchie
Beatty	Kimberly	Buchanan	Shangle
Calhoun	Klemme	Patterson	Stanley
Elthon		Pendray	Wenner

Absent or not voting, 3.

Aschenbrenner	Fisch	Harrington
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Coykendall moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

SENATE FILE 53.RESUMED

Senator McArthur called up for consideration Senate File 53, upon which action was deferred, as shown on page 688 of the Senate journal.

Senator Wenner raised the point of order that a bill covering

the same subject matter had been considered in the House in this session and had been defeated.

By unanimous consent, on request of Senator Wenner, his point of order was withdrawn as his attention was called to the fact that the companion bill in the House was laid on the table, subject to removal if the House so desired.

Senator Hopkins moved to refer the bill to the sifting committee.

Roll call was demanded on the motion.

Rule 8 was invoked.

On the question "Shall the motion to refer prevail?" the vote was:

Ayes, 25.

Baldwin	Hicklin	Meyer	Stanley
Beatty	Hopkins	Miller of	Stevens of
Bennett	Husted	Buchanan	Wapello
Booth	Kimberly	Miller of Jones	Topping
Byers	Klemme	Moore	Wenner
Carden	Knudson	Nelson	Wilson
Geske	Leo	Shangle	

Nays, 20.

Anderson	Frailey	Mullaney	Schmidt
Aschenbrenner	Hill	Patterson	Stevens of
Beardsley	Hush	Pendray	Decatur
Calhoun	Irwin	Ritchie	Tripp
Doze	McArthur	Roelofs	Valentine
Elthon			

Absent or not voting, 5.

Chrystal	Fisch	Harrington	Reese
Coykendall			

The motion prevailed and the bill was referred to the sifting committee.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Stevens of Wapello, Senate File 313, a bill for an act to amend the 1931 Code of Iowa by adding thereto immediately after Chapter five hundred twenty-three (523), Chapter number five hundred twenty-three-A one (523-A1), providing for the foreclosure of chattel mortgages on live stock, feed and/or grain by notice and sale by the sheriff of the county in which said property is located; pro-

viding the notice that shall be served, the manner of service, and the parties upon whom it shall be served; providing for the determination of the priority of liens by the court in case of controversy, for attorneys fees, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Stanley offered the following amendment and moved its adoption:

Amend by striking all after the word "assignee" in line eight (8) to and including line eighteen (18) and inserting in lieu thereof the following: " , when the terms of the mortgage provide that the same may be foreclosed upon the sale or voluntary disposal by the mortgagor or his agents of any of the mortgaged property contrary to the terms of said chattel mortgage, or when the value of the mortgaged property is depreciating due to neglect or lack of care on the part of the mortgagor or his agents, or when the mortgagor does not possess sufficient feed to properly feed and fatten the livestock included in said chattel mortgage, by notice of sale, as provided in this chapter, upon the maturity of the notes secured by said mortgage, or upon the happening of any of the above named contingencies."

Senator Shangle offered the following amendment to the amendment as printed and moved its adoption:

Amend line 10 by inserting after the words "chattel mortgage" the following: "as provided by the terms of the said mortgage contract".

The amendment to the amendment was adopted.

Senator Elthon offered the following amendment to the amendment as printed and moved its adoption:

Amend line 6 by striking the word "or" and inserting in lieu thereof the word "and".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Hush offered the following amendment and moved its adoption:

Amend by striking from lines twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27) and twenty-eight (28) of Section One (1), the following sentence:

"After completed service of said notice upon the mortgagor or the person in possession of the mortgaged property sought to be sold and foreclosed upon, the mortgagee or his assignee shall be entitled to take immediate possession of all of said property."

Action was deferred.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 103, a bill for an act providing for the issuance by municipalities of negotiable revenue bonds payable only out of the net earnings of municipally owned public utilities.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENT TO SENATE FILE 103

Renumber the Publication Clause as "Sec. 4".

The journal of February 27th was corrected and approved.

REPORT OF CONFERENCE COMMITTEE ON HOUSE FILE 292

MR. PRESIDENT AND MR. SPEAKER: We, the undersigned conference committee appointed to consider the difference between the Senate and the House on House File No. 292, being a bill for an Act to promote temperance in the State of Iowa; to create a Liquor Control Commission; to prescribe its powers, duties, and to provide for the control by such commission of the alcoholic liquor traffic within the State of Iowa, and to provide for the licensing thereof and revenue therefrom; to provide for the enforcement and to prescribe the penalties for violation of this Act; to provide for the confiscation and disposal of property seized under the provisions hereof; to provide for the abatement of nuisances created by the violation of this Act; to provide for appropriation of proceeds derived under this Act; to provide for periodical audits of the Commission; to fix penalties, prescribe procedure, and to repeal Chapter forty-two (42) of the Acts of the Forty-fifth (45th) General Assembly, Chapters ninety-four (94) to one hundred four (104), inclusive, which includes Section nineteen hundred twenty-two (1922) to and including Section twenty-one hundred eighty (2180) of the nineteen hundred thirty-one (1931) code of Iowa, and any and all laws or parts of laws inconsistent with this Act, beg leave to report we have conferred further on the matter of the differences and beg leave to submit the following conference report in lieu of the one previously submitted and recommend as follows:

Part I

That the House concur in the Senate amendments designated as B., C., D., E 1., E 2., E 3., E 4., E 5., E 6., E 8., F 2., F 3., F 5., F 6., F 7., F 8., G., H 1., H 2., H 3., H 4., J 1., J 2., K 1., K 2., K 3., K 4., K 5., L., M., N 1., N 2., O., P 1., P 2., P 3., P 4., Q 1., Q 2., Q 4., Q 5., Q 6., Q 7., Q 8., Q 9., Q 10., Q 11., Q 12., R., S., U., W 1., W 2., W 3., X., Y 1., Y 2., Y 3., 1 A., 1 B., 1 C., 1 D 1., 1 D 2., 1 D 3., 1 D 4., 1 D 5., 1 D 6., 1 E., 1 F., 1 G., 1 H., 1 J., 1 K., and 1 L.

Part II

That the Senate recede from its amendments designated as A., E 7., F 1., F 10., H 5., H 6., Q 3., and T.

Part III

That the Senate amendments be amended as follows and when so amended, that the House adopt and concur therein; also that the Senate adopt and concur in the following amendments to the Senate amendments:

Amend Senate amendment E 9. by striking from line nine (9) the words, figures and punctuation "twenty-one-a (21-a)" and all of lines ten (10), eleven (11), twelve (12) and thirteen (13), and inserting in lieu thereof the following: "twenty-two (22) as twenty (20), twenty-three (23) as twenty-one (21) and the newly added subsection twenty-four (24) as twenty-two (22)."

Amend the Senate amendment F4, by striking from lines three (3) and four (4) the words " 'five thousand' " and insert in lieu thereof the words " 'four thousand five hundred' ".

Amend the Senate amendment F9 by striking from line four (4) the words, figures and punctuation "two-thirds (2/3)" and inserting in lieu thereof the word "majority".

Amend the Senate amendment V by striking from line ten (10) the word "supplying" and inserting in lieu thereof the words "selling to".

Amend the Senate amendment Z by striking from line three (3) the words and punctuation "Except as otherwise provided, it" and inserting in lieu thereof the word "It".

Amend the Senate amendment 1 M by striking all after line four (4) and inserting in lieu thereof the following: "28 as 29, 28-a as 30, 29 as 31, 30 as 32, 31 as 33, 32 as 34, 33 as 35, 34 as 36, 35 as 37, 36 as 38, 37 as 39, 39 as 40, 40 as 41, the old 'Sec. 85.' as 86, 86 as 87, the second 'Sec.' as 88, and 87 as 89."

Part IV

That the Senate and House adopt and concur in the following amendments to House File 292, as passed by the House:

Amend by striking the title and inserting in lieu thereof the following:

"An Act to promote temperance in the State of Iowa; to create a liquor control commission; to provide for the appointment of such commission; to prescribe its powers and duties; to provide for the control by such commission of the alcoholic liquor traffic within the State of Iowa; to provide for the licensing thereof and making disposition of the revenue therefrom; to provide for an appropriation to carry out the provisions of this Act; to provide for the enforcement and to prescribe the penalties for violations of this Act; to provide for the confiscation and disposal of property seized under the provisions hereof; to provide for the abatement of nuisances created by the violation of this Act; to provide for the appropriation of proceeds derived under this Act; to provide for the audit of the commission; to provide and fix penalties for the violation of this Act; and to prescribe the method of procedure; to provide that whenever the

provisions of any existing laws relative hereto are or may be inconsistent or in conflict with the provisions of this Act that the provisions of this Act shall control and supersede such laws and providing that the passage of this Act shall in no manner affect Chapter thirty-seven (37) and Chapter thirty-eight (38) of the Acts of the Forty-fifth General Assembly, it being the intent of this Act that said Chapters thirty-seven (37) and thirty-eight (38), Acts of the Forty-fifth General Assembly, shall remain in full force and effect as enacted or as hereafter amended."

Amend section four (4) by striking all of subsection twenty-one-a (21-a).

Amend section five (5), subsection five (5) by striking from line sixty-two (62) the words "two-thirds" and inserting in lieu thereof the words "a majority".

Amend section ten (10) subsection three (3) by inserting after the word "such" in line nineteen (19) the words "city or".

Further amend section ten (10), subsection four (4), by inserting after the word "any" in line twenty-two (22) the words "city or".

Amend section twenty (20) by striking from line nine (9) the figure "19" and inserting in lieu thereof the following "twenty (20)".

Further amend section twenty (20) by striking lines eleven (11) and twelve (12).

Amend section twenty-one (21) by striking from line three (3) the word "twenty" and inserting in lieu thereof the following: "twenty-one (21)".

Amend section forty-two (42) by striking from line six (6) the word "twenty-six" and inserting in lieu thereof the word, figures and punctuation "twenty-eight (28)".

Amend section sixty-seven (67) by striking from line one (1) the words "break into or".

J. R. FRAILEY

H. L. IRWIN

G. E. ROELOFS

VINCENT F. HARRINGTON

On the Part of the Senate.

E. H. FABRITZ

JOHN H. MITCHELL

DEWEY E. GOODE

E. A. JOHNSON

On the Part of the House.

AMENDMENTS FILED

Amend House File 83 by striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. Amend Chapter 182, Acts 45th General Assembly, by striking from Sec. 2, lines 6, 7, 8 and 9 the following:

"upon application of the owner or owners of such real estate or persons liable on said mortgages or deeds of trust, or notes secured thereby, who are defendants in said cause and not in default for want of pleading or appearance,".

Sec. 2. This act being deemed of immediate importance shall be in full force and effect after its passage and publication in the News Republican, a newspaper published at Farmington, Iowa, and in the Keokuk County News, a newspaper published at Sigourney, Iowa. JOHN N. CALHOUN.

Amend House File 232 by striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. In any case where real estate has, in any year preceding 1932, been sold for taxes and the time for redemption had not already expired, a treasurer's deed therefor shall not be delivered prior to December 2, 1935, and the period during which redemption from such sale may be made is hereby extended to said date; provided, however, if the owner of such real estate shall hereafter permit any taxes to become delinquent against the same and remain so delinquent after the 1st of September of any such year the county treasurer shall upon surrender to him of the tax sale certificate, execute and deliver such deed.

Sec. 2. Any provision of any law or laws now in force which are in conflict with this act are hereby suspended until December 2, 1935.

Sec. 3. On and after December 2, 1935, this act shall cease to be in force or effect.

Sec. 4. This act, being deemed of immediate importance, shall be in full force and effect from and after its publication in the Mount Pleasant Daily News, a newspaper published at Mount Pleasant, Iowa, and the Cantril Register, a newspaper published at Cantril, Iowa.

T. W. MULLANEY.

Amend House File 304 by striking out section one (1) and inserting in lieu thereof the following:

"Section 1. Section forty-four hundred three (4403), code 1931, is amended by changing the period (.) following the word 'corporation' in line sixteen (16) to a semi-colon (;) and adding the following:

'provided that the foregoing tax limitation shall not operate to restrict or prevent a school district in the issuance of refunding bonds.'"

LAFE HILL.

Amend Senaté File 313 as follows:

Amend by adding a new section as follows:

"Sec. 2. This act being of importance shall be in effect from and after its publication in the Wapello Republican, a newspaper published at Wapello, Iowa, and the Daily Freeman-Journal, a newspaper published at Webster City, Iowa."

I. H. KNUDSON.

E. R. HICKLIN.

Amend Senate File 313 as follows:

Strike out all after the enacting clause, and substitute in lieu thereof the following:

"Section 1. Section twelve thousand three hundred sixty-two (12362) of the Code of Iowa, 1931, is hereby amended as follows:

Strike out all of said section after the word "court" in line five (5) of said section, and insert in lieu thereof the following: ' ; such transfer shall be effected only by injunction proceedings and under a good and sufficient bond in an amount at least one and one-half times the value of the mortgaged property.'

Sec. 2. Add a new section as follows:

Section 12352-a. Whenever default is made in the payment of any sum due under such mortgage, or when any of the terms or provisions

of such mortgage are violated by the mortgagee, or whenever the mortgagee shall sell or dispose, or attempt to sell or dispose of the mortgaged property without the consent of the holder of said mortgage, or shall abandon or neglect the mortgaged property, or permit the same through neglect to be depreciated in value, the holder of said mortgage may commence his action of foreclosure by notice and sale by placing the original or a certified copy of such instrument in the hands of the Sheriff. Said instrument shall be sufficient authority for said officer to take immediate possession of the mortgaged property.

Sec. 3. This act being deemed of immediate importance, shall be in full force and effect from and after its publication in the Ottumwa Courier, a newspaper published at Ottumwa, Iowa, and in the Wapello Republican, a newspaper published at Wapello, Iowa.

E. R. HICKLIN.
ROY E. STEVENS.

Amend Senate File 155 as follows:

1. Amend by striking the word "livestock" and inserting in lieu thereof the word "hogs" in lines seven (7), sixteen (16), twenty-nine (29) and thirty-seven (37) of section one (1); lines four (4), six (6) and eight (8) of section two (2); lines one (1), ten (10), twelve (12), sixteen (16), twenty-one (21) and twenty-three (23) of section three (3); line five (5) of section seven (7); line two (2) of section nine (9); line five (5) of section ten (10); line fifteen (15) of section eleven (11); line five (5) of section twelve (12); line eleven (11) of section fourteen (14); line four (4) of section sixteen (16).

2. Amend section one (1) by adding after the period in line fourteen (14) the following: "A person buying hogs for the purpose of resale on the open market at a public stockyards shall not be considered a buyer, under the provisions of this act."

3. Further amend section one (1) by changing the period (.) in line forty (40) to a comma (,) and adding the following: "but shall not include yards where hogs are assembled for shipment to a public stockyards for sale in the open market."

4. Further amend section one (1) by striking lines forty-one (41) and forty-two (42) and inserting in lieu thereof the following: "'Hogs' shall mean all types, kinds and varieties of swine which are bought or sold for feeding or slaughtering purposes."

5. Further amend section one (1) by striking from line twenty-three (23) the words "livestock is" and inserting in lieu thereof the words "hogs are".

6. Further amend section one (1) by striking from line thirty-eight (38) the word "is" and inserting in lieu thereof the word "are".

7. Amend section three (3) by inserting before the word "total" in line fifteen (15) the words "price and".

8. Amend section six (6) by striking from lines five (5), six (6) and seven (7) the words "shall forfeit to the state the sum of one hundred dollars (\$100.00) for each such offense" and inserting in lieu thereof the following: "shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars (\$100.00)

and/or imprisonment in the county jail for not more than thirty (30) days or both".

9. Amend section fourteen (14) by striking from lines fifteen (15) and sixteen (16) the words "not more than fifteen cents (\$.15) for each head of cattle or calves,"; also by striking from lines seventeen (17) and eighteen (18) the words ", and not more than seven cents (\$.07) for each head of sheep".

10. Amend section fifteen (15) by striking from line four (4) the words "or cattle".

GARRITT E. ROELOFS.

On motion of Senator Frailey the Senate adjourned until 10:00 a. m. Thursday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 1, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. E. T. Bauer, pastor of the Easton Place M. E. Church of Des Moines.

PETITIONS AND MEMORIALS

The following petition was presented and referred to the designated committee.

Favoring tax on chain stores. Senator Meyer from business men of Butler County. Sifting committee.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the governor announcing that on January 27th he had signed the following bill:

Senate File 240 relating to Public Funds in any bank whose deposit liabilities have been assumed by another bank.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 347, a bill for an act to authorize and empower the Finance Committee of the Iowa State Board of Education to compromise and settle obligations growing out of notes and mortgages taken by said committee.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 348, a bill for an act to permit Boards of Supervisors to sell products or by-products of stone quarries, for the purpose of furnishing employment to unemployed residents of said counties.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 349, a bill for an act relating to the salaries of county treasurers in certain counties.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 249, a bill for an act to make an appropriation to I. N. Salyers.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 258, a bill for an act to make an appropriation to B. Agard.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 261, a bill for an act to make an appropriation to Lewis G. Rodman, administrator of the Estate of Alfred Franklin Rodman, deceased.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 278, a bill for an act to make an appropriation to Viva Thackrey, Coleman Hospital, Doctors G. H. West and C. H. Miller, Fred J. Sternborg and Fred J. Sternborg, trustee.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 279, a bill for an act to make an appropriation to D. F. Wolfe.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 287, a bill for an act to make an appropriation to Elmer Williams.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 288, a bill for an act to make an appropriation to Ben Terhark.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 289, a bill for an act to make an appropriation to Staley Sales Corporation.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 290, a bill for an act to make an appropriation to O. D. Scholl.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 291, a bill for an act to make an appropriation to Roscoe W. Wilson.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 292, a bill for an act to make an appropriation to Mrs. Olina Waltz of Mason City, Iowa.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 296, a bill for an act relating to the appointment of a sanitation and quarantine officer.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 303, a bill for an act to make an appropriation to Lyon County, Iowa.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 304, a bill for an act to make an appropriation to Inter City Bus Line.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 305, a bill for an act to make an appropriation to Nettie Mae Bennett and to E. D. Marshall.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 306, a bill for an act to make an appropriation to I. J. Petri.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 307, a bill for an act to make an appropriation to A. R. Walton.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 309, a bill for an act to make an appropriation to the Dallas County News and to C. W. Havenstein.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 310, a bill for an act to make an appropriation to Leonard Ruback and Richard Ruback.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 314, a bill for an act to make an appropriation to Robert Harrison.

Also: That the House has adopted the conference report and concurred in amendments proposed therein to House File 292, a bill for an act to promote temperance in the State of Iowa; to create a Liquor Control Commission; to prescribe its powers, duties and to provide for the control by such commission of the alcoholic liquor traffic within the state of Iowa.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 95, a bill for an act relating to salaries of deputy county officials.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENT TO SENATE FILE NO. 95

Amend Section one (1), line five (5) by striking the words and figures "seventy-five (75)" and substituting in lieu thereof the words and figures "sixty-five (65)".

HOUSE MESSAGES CONSIDERED

House File 347, a bill for an act to authorize and empower the finance committee of the Iowa State Board of Education to compromise and settle obligations growing out of notes and mortgages taken by said committee.

Read first and second times and referred to sifting committee.

House File 348, a bill for an act to permit Boards of Supervisors to sell products or by-products of stone quarries, for the purpose of furnishing employment to unemployed residents of said counties.

Read first and second times and referred to sifting committee.

House File 349, a bill for an act to amend section fifty-two hundred twenty (5220), Code, 1931, as amended by chapter ninety-one (91), Acts of the 45th General Assembly, relating to the salaries of county auditors in certain counties; and section fifty-two hundred twenty-two (5222), Code, 1931, as amended by chapter ninety-two (92), Acts of the 45th General Assembly, relating to the salaries of county treasurers in certain counties.

Read first and second times and referred to sifting committee.

HOUSE AMENDMENT CONSIDERED

Senator Stanley called up for consideration Senate File 103, amended by the House, and moved that the Senate concur in the following amendment:

Renumber the publication clause as "Sec. 4".

On the question "Shall the Senate concur?" the vote was:

Ayes, 41.

Aschenbrenner	Doze	Klemme	Roelofs
Baldwin	Elthon	Knudson	Schmidt
Beardsley	Fisch	Leo	Shangle
Beatty	Frailey	Meyer	Stanley
Bennett	Geske	Miller of	Stevens of
Booth	Hill	Buchanan	Decatur
Byers	Hopkins	Moore	Tripp
Calhoun	Hush	Mullaney	Valentine
Carden	Husted	Pendray	Wenner
Chrystal	Irwin	Reese	Wilson
Coykendall	Kimberly	Ritchie	

Nays, none.

Absent or not voting, 9.

Anderson	McArthur	Nelson	Stevens of
Harrington	Miller of Jones	Patterson	Wapello
Hicklin			Topping

The House amendment having received a constitutional majority was declared to have been adopted and concurred in by the Senate.

SENATE FILE 313 RESUMED

Senator Hicklin called up for consideration Senate File 313, upon which action was deferred, as shown on page 1271 of the Senate journal.

Action on the Hush amendment, as shown on page 1271, was deferred until after action on the following amendment.

Senators Hicklin and Stevens of Wapello offered the following amendment and moved its adoption:

Amend by striking out all after the enacting clause, and substituting in lieu thereof the following:

"Section 1. Section twelve thousand three hundred sixty-two (12362) of the Code of Iowa, 1931, is hereby amended as follows:

Strike out all of said section after the word "court" in line five (5) of said section, and insert in lieu thereof the following: ' ; such transfer shall be effected only by injunction proceedings and under a good and sufficient bond in an amount at least one and one-half times the value of the mortgaged property.'

Sec. 2. Add a new section as follows:

Section 12352a. Whenever default is made in the payment of any sum due under such mortgage, or when any of the terms or provisions of such mortgage are violated by the mortgagee, or whenever the mortgagee shall sell or dispose, or attempt to sell or dispose of the mortgaged property without the consent of the holder of said mortgage, or shall abandon or neglect the mortgaged property, or permit the same through neglect to be depreciated in value, the holder of said mortgage may commence his action of foreclosure by notice and sale by placing the original or a certified copy of such instrument in the hands of the Sheriff. Said instrument shall be sufficient authority for said officer to take immediate possession of the mortgaged property.

Sec. 3. This act being deemed of immediate importance, shall be in full force and effect from and after its publication in the Ottumwa Courier, a newspaper published at Ottumwa, Iowa, and in the Wapello Republican, a newspaper published at Wapello, Iowa.

By unanimous consent, on request of Senator Hicklin, section 1 was amended by inserting in line 6 after the word "bond" the words "to be approved by the clerk"; also section 2 was amended

by striking from lines 4 and 5 the word "mortgagee" and inserting in lieu thereof the word "mortgagor".

Senator Coykendall moved to refer the bill to the sifting committee.

Senator Coykendall withdrew his motion.

Senator Patterson moved that action be deferred temporarily.

The motion prevailed.

SENATE FILE 155 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate except Senators Anderson, Harrington and Stevens of Wapello.

Senator Harrington was excused indefinitely.

Senator Booth moved that Senator Stevens of Wapello be excused temporarily, until a vote. The motion prevailed.

Senator Knudson moved that Senator Anderson be excused on account of illness. The motion prevailed.

Senator Patterson called up for consideration his motion to indefinitely postpone Senate File 155, as shown on page 1250 of the Senate journal, and moved its adoption.

Senator Klemme raised the point of order that Senator Patterson was out of order, as he was not speaking on his motion.

The President held the point not well taken, as the motion opened up the discussion on the main bill.

Roll call was demanded on the Patterson motion.

On motion of Senator Shangle, the Senate recessed until 1:00 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

SENATE FILE 155 RESUMED

There being a call of the Senate on file, the roll call revealed the presence of all members of the Senate except Senators Harrington and Schmidt.

Senator Harrington was excused on account of illness.

Discussion of Senator Patterson's motion to indefinitely postpone was resumed.

Senator Schmidt appeared in the Senate Chamber, and the call was declared complete.

Senator Frailey moved that action be deferred and Senate File 155 be made a special order for Friday at 10:00 a. m.

Senator Frailey withdrew his motion.

CONFERENCE REPORT ON HOUSE FILE 292 CONSIDERED

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate except Senator Harrington, who had previously been excused.

The call was declared complete.

Senator Frailey called up the conference report, as found on page 1272 of the Senate journal.

President pro tempore Harold L. Irwin was called to the chair at 2:07 p. m.

Senator Frailey moved that the Senate adopt the following conference report and that the amendments therein proposed be concurred in:

MR. PRESIDENT AND MR. SPEAKER: We, the undersigned conference committee appointed to consider the difference between the Senate and the House on House File No. 292, being a bill for an Act to promote temperance in the State of Iowa; to create a Liquor Control Commission; to prescribe its powers, duties, and to provide for the control by such commission of the alcoholic liquor traffic within the State of Iowa, and to provide for the licensing thereof and revenue therefrom; to provide for the enforcement and to prescribe the penalties for violation of this Act; to provide for the confiscation and disposal of property seized under the provisions hereof; to provide for the abatement of nuisances created by the violation of this Act; to provide for appropriation of proceeds derived under this Act; to provide for periodical audits of the Commission; to fix penalties, prescribe procedure, and to repeal Chapter forty-two (42) of the Acts of the Forty-fifth (45th) General Assembly, Chapters ninety-four (94) to one hundred four (104), inclusive, which includes Section nineteen hundred twenty-two (1922) to and including Section twenty-one hundred eighty (2180) of the nineteen hundred thirty-one (1931) code of Iowa, and any and all laws or parts of laws inconsistent with this Act, beg leave to report we have conferred

further on the matter of the differences and beg leave to submit the following conference report in lieu of the one previously submitted and recommend as follows:

Part I

That the House concur in the Senate amendments designated as B., C., D., E 1., E 2., E 3., E 4., E 5., E 6., E 8., F 2., F 3., F 5., F 6., F 7., F 8., G., H 1., H 2., H 3., H 4., J 1., J 2., K 1., K 2., K 3., K 4., K 5., L., M., N 1., N 2., O., P 1., P 2., P 3., P 4., Q 1., Q 2., Q 4., Q 5., Q 6., Q 7., Q 8., Q 9., Q 10., Q 11., Q 12., R., S., U., W 1., W 2., W 3., X., Y 1., Y 2., Y 3., 1 A., 1 B., 1 C., 1 D 1., 1 D 2., 1 D 3., 1 D 4., 1 D 5., 1 D 6., 1 E., 1 F., 1 G., 1 H., 1 J., 1 K., and 1 L.

Part II

That the Senate recede from its amendments designated as A., E 7., F 1., F 10., H 5., H 6., Q 3., and T.

Part III

That the Senate amendments be amended as follows and when so amended, that the House adopt and concur therein; also that the Senate adopt and concur in the following amendments to the Senate amendments:

Amend Senate amendment E 9. by striking from line nine (9) the words, figures and punctuation "twenty-one-a (21-a)" and all of lines ten (10), eleven (11), twelve (12) and thirteen (13), and inserting in lieu thereof the following: "twenty-two (22) as twenty (20), twenty-three (23) as twenty-one (21) and the newly added subsection twenty-four (24) as twenty-two (22)."

Amend the Senate amendment F4, by striking from lines three (3) and four (4) the words "'five thousand'" and insert in lieu thereof the words "'four thousand five hundred'".

Amend the Senate amendment F9 by striking from line four (4) the words, figures and punctuation "two-thirds (2/3)" and inserting in lieu thereof the word "majority".

Amend the Senate amendment V by striking from line ten (10) the word "supplying" and inserting in lieu thereof the words "selling to".

Amend the Senate amendment Z by striking from line three (3) the words and punctuation "Except as otherwise provided, it" and inserting in lieu thereof the word "It".

Amend the Senate amendment 1 M by striking all after line four (4) and inserting in lieu thereof the following: "28 as 29, 28-a as 30, 29 as 31, 30 as 32, 31 as 33, 32 as 34, 33 as 35, 34 as 36, 35 as 37, 36 as 38, 37 as 39, 39 as 40, 40 as 41, the old 'Sec. 85.' as 86, 86 as 87, the second 'Sec.' as 88, and 87 as 89."

Part IV

That the Senate and House adopt and concur in the following amendments to House File 292, as passed by the House:

Amend by striking the title and inserting in lieu thereof the following:

“An Act to promote temperance in the State of Iowa; to create a liquor control commission; to provide for the appointment of such commission; to prescribe its powers and duties; to provide for the control by such commission of the alcoholic liquor traffic within the State of Iowa; to provide for the licensing thereof and making disposition of the revenue therefrom; to provide for an appropriation to carry out the provisions of this Act; to provide for the enforcement and to prescribe the penalties for violations of this Act; to provide for the confiscation and disposal of property seized under the provisions hereof; to provide for the abatement of nuisances created by the violation of this Act; to provide for the appropriation of proceeds derived under this Act; to provide for the audit of the commission; to provide and fix penalties for the violation of this Act; and to prescribe the method of procedure; to provide that whenever the provisions of any existing laws relative hereto are or may be inconsistent or in conflict with the provisions of this Act that the provisions of this Act shall control and supersede such laws and providing that the passage of this Act shall in no manner affect Chapter thirty-seven (37) and Chapter thirty-eight (38) of the Acts of the Forty-fifth General Assembly, it being the intent of this Act that said Chapters thirty-seven (37) and thirty-eight (38), Acts of the Forty-fifth General Assembly shall remain in full force and effect as enacted or as hereafter amended.”

Amend section four (4) by striking all of subsection twenty-one-a (21-a).

Amend section five (5), subsection (5) by striking from line sixty-two (62) the words “two-thirds” and inserting in lieu thereof the words “a majority”.

Amend section ten (10) subsection three (3) by inserting after the word “such” in line nineteen (19) the words “city or”.

Further amend section ten (10), subsection four (4), by inserting after the word “any” in line twenty-two (22) the words “city or”.

Amend section twenty (20) by striking from line nine (9) the figure “19” and inserting in lieu thereof the following “twenty (20)”.

Further amend section twenty (20) by striking lines eleven (11) and twelve (12).

Amend section twenty-one (21) by striking from line three (3) the word “twenty” and inserting in lieu thereof the following: “twenty-one (21)”.

Amend section forty-two (42) by striking from line six (6) the word “twenty-six” and inserting in lieu thereof the word, figures and punctuation “twenty-eight (28)”.

Amend section sixty-seven (67) by striking from line one (1) the words “break into or”.

President N. G. Kraschel returned to the chair at 2:20 p. m.

Rule 8 was invoked.

On the question “Shall the report of the conference committee be adopted and the amendments therein proposed concurred in?” the vote was:

Ayes, 28.

Anderson	Fisch	Meyer	Schmidt
Aschenbrenner	Frailey	Miller of Buchanan	Shangle
Baldwin	Geske	Miller of Jones	Stevens of Decatur
Bennett	Hill	Moore	Stevens of Wapello
Booth	Irwin	Mullaney	Valentine
Chrystal	Kimberly	Reese	
Coykendall	Knudson	Roelofs	
Doze	McArthur		

Nays, 21.

Beardsley	Hicklin	Leo	Stanley
Beatty	Hopkins	Nelson	Topping
Byers	Hush	Patterson	Tripp
Calhoun	Husted	Pendray	Wenner
Carden	Klemme	Ritchie	Wilson
Elthon			

Absent or not voting, 1.

Harrington

The report was adopted and the amendments therein proposed were concurred in.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled House Files 1 and 299.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House Files 1 and 299.

SENATE FILE 155 RESUMED

Discussion of Senator Patterson's motion for indefinite postponement was resumed.

A call of the Senate still being in effect, all members of the Senate were present and the call declared complete.

Senator Knudson moved the previous question on the pending motion, which motion prevailed.

On the question "Shall the motion prevail?" the vote was:

Ayes, 17.

Byers	Kimberly	Nelson	Stevens of
Calhoun	Klemme	Patterson	Wapello
Hicklin	Leo	Ritchie	Topping
Hopkins	McArthur	Stanley	Wenner
Husted			Wilson

Nays, 32.

Anderson	Coykendall	Knudson	Reese
Aschenbrenner	Doze	Meyer	Roelofs
Baldwin	Elthon	Miller of	Schmidt
Beardsley	Fisch	Buchanan	Shangle
Beatty	Frailey	Miller of Jones	Stevens of
Bennett	Geske	Moore	Decatur
Booth	Hill	Mullaney	Tripp
Carden	Hush	Pendray	Valentine
Chrystal	Irwin		

Absent or not voting, 1.

Harrington

The motion was lost.

SENATE FILE 155 MADE SPECIAL ORDER

Senator Frailey moved that Senate File 155 be made a special order for 10:00 a. m. Friday.

The motion prevailed.

By unanimous consent, on request of Senator Wilson, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File 324, by committee on cities and towns, a bill for an act to legalize and validate proceedings taken by the Town Council of the Town of Roland, Iowa, authorizing and providing for the issuance of Waterworks Bonds and making provisions for the levy of taxes to pay said bonds.

Read first and second times and referred to sifting committee.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which Senate File 316 passed the Senate and to recall same from the House.

ROY E. STEVENS.

AMENDMENTS FILED

1. Amend section two (2), line eight (8), by striking the word "is" and inserting in lieu thereof the word "are".

2. Amend section three (3), line eight (8), by inserting after the word and punctuation "buyer" the following: ", at such packing house and/or concentration point,".

3. Amend section thirteen (13), line one (1), by inserting after the word and punctuation "buyer," the following: "other than those operating at or on a concentration point and/or packing house,".

4. Amend section five (5), line three (3), by striking the word "live-stock" and inserting the word "hogs".

5. Amend section three (3), by striking all of line nine (9) and inserting in lieu thereof the following: ", grader at such packing house and/or concentration point, each day, a written report signed by him showing".

6. Amend section ten (10), line nineteen (19), by striking the comma (,) following the word "operate" and inserting in lieu thereof a semicolon (;).

7. Amend section fourteen (14), line seventeen (17), by striking the words, figures and punctuation "ten cents (\$.10) and inserting in lieu thereof the word, figures and punctuation "four cents (\$.04)".

G. E. ROELOFS.

The journal of February 28th was corrected and approved.

On motion of Senator Frailey the Senate adjourned until 10:00 a. m. Friday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 2, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. C. E. Lookingbill of Nevada, member of the House of Representatives.

By unanimous consent, on request of Senator Stevens of Wapello, the rules were suspended and House File 344 was called from the sifting committee and placed on the calendar.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Stevens of Wapello, House File 344, a bill for an act to amend House File Three Hundred Thirty-one (331), Acts of the Forty-fifth General Assembly in Extraordinary Session, relating to the nature of waivers by certificate holders as provided for therein, was taken up, and considered.

Senator Stevens of Wapello offered the following amendment and moved its adoption:

Amend by striking from line four (4) of section one (1) all after the word "of" and inserting in lieu thereof the following: "in line nine (9) of the engrossed bill".

The amendment was adopted.

The bill was read for information.

Senator Stevens of Wapello moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 41.

Aschenbrenner	Coykendall	Hill	Meyer
Baldwin	Doze	Hopkins	Miller of
Beardsley	Elthon	Husted	Buchanan
Bennett	Fisch	Kimberly	Miller of Jones
Booth	Frailey	Klemme	Moore
Carden	Geske	Knudson	Mullaney
Crystal	Hicklin	McArthur	Nelson

Patterson	Roelofs	Stevens of	Topping
Pendray	Schmidt	Decatur	Tripp
Reese	Shangle	Stevens of	Valentine
Ritchie	Stanley	Wapello	Wenner

Nays, none.

Absent or not voting, 9.

Anderson	Calhoun	Hush	Leo
Beatty	Harrington	Irwin	Wilson
Byers			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on request of Senator Stevens of Wapello, the bill was messaged to the House immediately.

By unanimous consent, on request of Senator Stevens of Wapello, his motion to recall Senate File 316 from the House and reconsider the vote by which said bill passed the Senate, as shown on page 1288 of the Senate journal, was withdrawn from further consideration.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 317, a bill for an act relating to unexpended appropriations of the Forty-fourth General Assembly and previous General Assemblies made to the institutions under the Board of Control.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 341, a bill for an act pertaining to the extension of the redemption period in real estate foreclosure of mortgages or deeds of trust.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 346, a bill for an act to make an appropriation to Dr. E. E. Munger, Spencer, Iowa, for his expenses as a member of the committee appointed under authority of House Joint Resolution No. 7.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 350, a bill for an act to authorize municipalities as an emergency measure, to be financed only through the Federal Emergency Administration to purchase, establish, construct, maintain and operate armories.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 227, a bill for an act to amend the law relating to the sale of securities.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 276, a bill for an act to revise and modernize the military laws of the State of Iowa.

Also: That the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 223, a bill for an act to create a commission of aeronautics; to prescribe the powers and duties thereof; to provide for investigations and hearings by said commission.

Also: That the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 185, a bill for an act relating to collection of license fees on motor vehicle fuel used or otherwise disposed of in Iowa and to otherwise control and to provide payment and collection of license fees.

VIRGIL LEKIN, *Chief Clerk.*

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled Senate File 103.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate File 103.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 2nd day of March, 1934, sent to the Governor for his approval Senate File No. 103.

HOMER HUSH, *Chairman.*

Passed on file.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that he had signed the following bills:

On February 23rd, Senate File 295, an act to provide for the creation, maintenance and administration of a Police Retirement or Pension System and/or Fire Retirement or Pension System in all cities of this State.

On March 1st, Senate File 239, an act relating to limitation of the boundaries of a benefited water district.

HOUSE FILE 336 MADE SPECIAL ORDER

Senator Frailey moved that House File 336 be made a special order for Monday, March 5, 1934, at 2:00 p. m.

The motion prevailed.

SENATE CONCURRENT RESOLUTION 13 CONSIDERED

Senator Calhoun called up for consideration Senate Concurrent Resolution 13, found on page 1253 of the Senate journal, as follows, and moved its adoption:

Be It Resolved by the Senate, the House of Representatives concurring:

That the Forty-fifth General Assembly in Extraordinary Session adjourn, sine die, at 12 o'clock noon, Saturday, March 3, 1934.

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate, except Senators Anderson, Baldwin, Chrystal, Doze, Harrington, Hill, Irwin and Topping.

Senator Calhoun asked unanimous consent to excuse all absent members from the call.

Objection was raised.

Senator Calhoun moved that Senator Anderson be excused from the call for today, on account of illness.

Senator Harrington was excused from the call previously for an indefinite time.

Senators Baldwin and Hill appeared in the Senate chamber.

Senator Calhoun moved that all absent members be excused from the call.

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the motion prevail?" the vote was:

Ayes, 15.

Beardsley	Calhoun	Leo	Stanley
Beatty	Hopkins	Patterson	Wenner
Benntt	Husted	Pendray	Wilson
Byers	Klemme	Ritchie	

Nays, 28.

Aschenbrenner	Geske	Miller of	Schmidt
Baldwin	Hill	Buchanan	Shangle
Booth	Hush	Miller of Jones	Stevens of
Carden	Kimberly	Moore	Decatur
Coykendall	Knudson	Mullaney	Stevens of
Elthon	McArthur	Nelson	Wapello
Fisch	Meyer	Reese	Tripp
Frailey		Roelofs	Valentine

Absent or not voting, 7.

Anderson	Doze	Hicklin	Topping
Chrystal	Harrington	Irwin	

The motion was lost.

Senators Doze, Chrystal, Irwin and Topping appeared in the Senate chamber and the call was declared complete.

Senator Byers offered the following amendment to the resolution and moved its adoption:

Amend by striking the words and figures "Saturday, March 3", and inserting in lieu thereof the words and figure "Wednesday, March 7".

The amendment was adopted.

Roll call was demanded on the resolution.

On the question "Shall the resolution be adopted?" the vote was:

Ayes, 22.

Beardsley	Carden	Husted	Pendray
Beatty	Elthon	Klemme	Ritchie
Bennett	Hicklin	Leo	Stanley
Booth	Hill	Nelson	Wenner
Byers	Hopkins	Patterson	Wilson
Calhoun	Hush		

Nays, 25.

Aschenbrenner	Geske	Miller of Jones	Stevens of
Baldwin	Kimberly	Moore	Decatur
Chrystal	Knudson	Mullaney	Stevens of
Coykendall	McArthur	Reese	Wapello
Doze	Meyer	Roelofs	Topping
Fisch	Miller of	Schmidt	Tripp
Frailey	Buchanan	Shangle	Valentine

Absent or not voting, 3.

Anderson	Harrington	Irwin
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The resolution was lost.

COPIES SENATE FILE 155 ORDERED

By unanimous consent, on request of Senator Roelofs, 600 extra copies of Senate File 155 were ordered printed.

SPECIAL ORDER SENATE FILE 155 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate except Senators Anderson and Harrington.

Senators Anderson and Harrington were excused previously from the call, and the call was declared complete.

Senator Roelofs called up for consideration Senate File 155, upon which action was deferred as shown on page 1284 of the Senate journal.

Senator Roelofs asked unanimous consent to have the bill, with all proposed amendments incorporated therein, read for the information of the Senate.

Objection was raised.

Senator Wilson asked that each amendment be taken up and considered separately, as filed in the journal. The request was granted.

Senators Roelofs and Harrington offered the following amendment and moved its adoption:

Amend by striking from section one (1), line seven (7) after the word "state" the words and punctuation "directly from the producers thereof, their agents or representatives".

The amendment was adopted.

Senators Roelofs and Harrington offered the following amendment and moved its adoption:

2. Further amend by striking from section one (1), line thirty-one (31) the words and figures "twenty-five (25)", and inserting the word and figures "one hundred (100)".

Senator Elthon moved that the rewritten bill be substituted for the original bill.

Senator Wilson raised the point of order that the motion was out of order for the reason that there had been no rewritten bill by authority of a committee or of the Senate.

The President ruled that according to the rules, amendments

would have to be considered one by one, as a division could be called for on any amendment.

By unanimous consent, on request of Senator Elthon, his motion was withdrawn.

Senator Hicklin, as a substitute, offered the following amendment and moved its adoption:

Amend section 1 by inserting after the word "slaughters" in line 31 the following: "an average of"; also amend section 1 by striking from lines 31 and 32 the words "in any one" and substituting in lieu thereof the word "per".

The substitution was made. The substitute amendment was adopted.

Senator Roelofs offered the following amendments and moved their adoption:

1. Amend by striking the word "livestock" and inserting in lieu thereof the word "hogs" in lines seven (7), sixteen (16), twenty-nine (29) and thirty-seven (37) of section one (1); lines four (4), six (6) and eight (8) of section two (2); lines one (1), ten (10), twelve (12), sixteen (16), twenty-one (21) and twenty-three (23) of section three (3); line five (5) of section seven (7); line two (2) of section nine (9); line five (5) of section ten (10); line fifteen (15) of section eleven (11); line five (5) of section twelve (12); line eleven (11) of section fourteen (14); line four (4) of section sixteen (16).

On motion of Senator Shangle, the Senate recessed until 1:15 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

SENATE FILE 155 RESUMED

Roll call revealed the presence of all members of the Senate except Senators Anderson and Harrington, who had been excused previously, and the call was declared complete.

Senator Patterson, as a substitute for all pending amendments, offered the following amendment and moved its adoption:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Any person, firm or corporation engaged in the business of buying livestock in this State, either as or for packers or other processors of livestock or for sale directly or indirectly to or for such packers

and/or other processors, shall furnish, within three days after purchase, to the State Secretary of Agriculture a written report signed by such buyer, showing each purchase of livestock made, the number and kind of livestock included in each such purchase, the name and address of such seller, the price paid per hundred weight, and the total amount paid for said livestock by such buyer. Such report shall include also the weight, grade and dockage, if any, of such livestock.

Senator Roelofs offered the following amendments to the substitute amendment and moved their adoption:

Amend by inserting after the comma following the word "state" in line two thereof the following:

"with a daily average volume of fifty head per day or more,".

Further amend by striking the word "grade" in the last line thereof and insert in lieu thereof the following:

"the standard grades as used by the United States Department of Agriculture Bureau of Markets,".

Also amend line 12 by inserting after the word "seller," the words "place of purchase,".

The amendments to the substitute were adopted.

Senator Elthon offered the following amendment to the amendment and moved its adoption:

Amend by inserting after the word "buyer." in the next to the last line the following: "The report shall also show for whom the livestock is purchased and to whom consigned."

The amendment to the substitute amendment was adopted.

The substitution was made.

The substitute amendment as amended was adopted.

Senator Roelofs offered the following amendment and moved its adoption:

Amend by adding as section 2 the following:

"Sec. 2. On and after thirty (30) days after this Act shall take effect, no buyer of livestock, as defined in Section one hereof, shall engage or continue or permit his agent or employee to engage or continue in the business of purchasing livestock in this State without first obtaining from the Secretary a license so to do and for which a license fee of \$5.00 for each license issued shall be charged, collected and paid to the Secretary. Such license shall not be issued for a longer period than one year and shall expire on the 1st day of January subsequent to the date of the issuance. The application for license shall be made to the Secretary on forms prescribed and furnished by him for that purpose.

The application shall set forth (a) the name and address of the applicant, if an individual, the name and address of the members, if a partnership or association, and the name of the President and Secretary, if a

corporation; (b) the place or places where the applicant proposes to operate; (c) where the business is to be operated by an agent, the name and address of each such agent; (d) such other information as the Secretary may deem necessary in the proper administration of this Act. No agent shall act for any such buyer unless the buyer is duly licensed hereunder and has designated such agent to act in his behalf and has notified the Secretary to that effect in his application for license as a buyer or in writing of such appointment, and has requested the Secretary to issue to such agent an agent's license. A fee of \$1.00 each year shall be required for any such agent's license."

Senator Hicklin offered the following amendments to the amendment and moved their adoption:

Amend section 2 by adding the following paragraph:

"The Secretary of Agriculture is hereby authorized to use such license fees, or so much thereof as may be necessary, for the administration of this Act."

Further amend by adding as section 3 the following:

"Sec. 3. This Act being deemed of immediate importance shall be in effect after its publication in the Kossuth County Advance, a newspaper published at Algona, Iowa, and the Wapello Republican, a newspaper published at Wapello, Iowa."

The amendments to the amendment were adopted.

The amendment as amended was adopted.

Senator Booth offered the following amendment and moved its adoption:

Amend by striking the word "Secretary" where it appears in lines 6, 8, 21, 25, and 27, and inserting in lieu thereof the words "State Secretary of Agriculture".

The amendment was adopted.

Senator Beatty offered the following amendment to Section 1 of the substitute as adopted and moved its adoption:

Amend line 10 by inserting after the word "seller," the words "date and".

The amendment was adopted.

Senator Elthon offered the following amendment to Section 1 as amended and adopted and moved its adoption:

Amend section 1, line 2, by striking the word "fifty" and inserting in lieu thereof the word "twenty-five".

The amendment was lost.

Senator Bennett offered the following amendments and moved their adoption:

Amend by adding as section 3 the following:

"Sec. 3. Any person who willfully violates any of the provisions of this act, shall be guilty of a misdemeanor and punishable by a fine not to exceed one hundred dollars (\$100.00) or imprisonment in jail not to exceed thirty (30) days."

Also by renumbering the remaining section.

The amendments were adopted.

Senator Wenner offered the following amendment and moved its adoption:

Amend the title to read as follows:

"An Act to provide for the licensing of certain buyers and agents of such buyers of livestock, requiring written livestock market reports and other information from such buyers and agents to the State Secretary of Agriculture, and providing penalties for the violation of the Act."

The amendment was adopted.

The bill was read for information.

Senator Roelofs moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 41.

Aschenbrenner	Doze	Klemme	Reese
Baldwin	Elthon	Knudson	Roelofs
Beardsley	Fisch	Leo	Schmidt
Beatty	Frailey	Meyer	Stevens of
Bennett	Geske	Miller of	Wapello
Booth	Hicklin	Buchanan	Topping
Byers	Hill	Miller of Jones	Tripp
Calhoun	Hopkins	Moore	Valentine
Carden	Husted	Mullaney	Wenner
Chrystal	Irwin	Patterson	Wilson
Coykendall	Kimberly	Pendray	

Nays, 4.

Hush	Ritchie	Shangle	Stanley
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Absent or not voting, 5.

Anderson	McArthur	Nelson	Stevens of
Harrington			Decatur

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Roelofs moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

COPIES SENATE FILE 155 ORDERED PRINTED

By unanimous consent, on request of Senator Wilson, 600 copies of Senate File 155 as passed by the Senate were ordered printed.

By unanimous consent, on request of Senator Baldwin the order of business was returned to resolutions.

SENATE RESOLUTION NO. 3

Be It Resolved by the Senate:

It is the wish of the Senate to memorialize and congratulate through this resolution the Honorable Joseph R. Frailey, who, having reached the milestone of another year of his birth, and being the dean of the Senate, is held in the highest esteem by the members present at this time.

We also wish to congratulate the Honorable E. R. Hicklin upon the occasion of his birthday which occurred on March 1st, and the Honorable M. X. Geske, upon the occasion of his birthday which occurs on March 3rd.

And, whereas, the month of March ushered in weather of mild nature, the aforementioned members, being of mild nature and temperament by birth and environment, may in the future be known as the Lambs of the Senate and be authorized to be known as charter members of a Senate Lambs Club.

Be It Further Resolved, That this resolution be printed in the Senate Journal.

H. C. BALDWIN.

GEO. A. WILSON.

M. MOORE.

CLYDE H. TOPPING.

PAUL W. SCHMIDT.

D. W. KIMBERLY.

By unanimous consent, on request of Senator Baldwin the rules were suspended and the resolution was taken up, considered and adopted.

HOUSE AMENDMENT CONSIDERED

Senator Hopkins called up for consideration Senate File No. 95, amended by the House, and moved that the Senate concur in the following amendment:

Amend Section one (1), line five (5) by striking the words and figures "seventy-five (75)" and substituting in lieu thereof the words and figures "sixty-five (65)".

On the question "Shall the Senate concur?" the vote was:

Ayes, none.

Nays, 38.

Aschenbrenner
Baldwin
Beatty
Bennett

Booth
Byers
Calhoun
Carden

Chrystal
Coykendall
Elthon
Frailey

Geske
Hicklin
Hill
Hopkins

Husted	Miller of	Ritchie	Stevens of
Irwin	Buchanan	Schmidt	Wapello
Kimberly	Miller of Jones	Shangle	Topping
Klemme	Moore	Stanley	Tripp
Knudson	Mullaney	Stevens of	Wenner
Leo	Pendray	Decatur	Wilson
Meyer			

Absent or not voting, 12.

Anderson	Fisch	McArthur	Reese
Beardsley	Harrington	Nelson	Roelofs
Doze	Hush	Patterson	Valentine

The House amendment having failed to receive a constitutional majority was declared to have failed to be adopted and concurred in by the Senate.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Valentine Senate File 323, a bill for an act to amend the law as it appears in Title XVI, Chapter three hundred twenty-nine-C two (329-C2), section six thousand nine hundred forty-three-c eighteen (6943-c18), Code, 1931, as amended by section twenty-three (23), chapter eighty-nine (89), laws of the Forty-fifth (45th) General Assembly, relating to the compensation of the members of the State Board of Assessment and Review, returned by the sifting committee, was taken up and considered.

Senator Valentine offered the following amendment and moved its adoption:

Amend by striking the words, "twelve hundred", in line 14 of section 1 thereof and inserting in lieu thereof the words, "nine hundred".

The amendment was adopted.

The bill was read for information.

Senator Valentine moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 31.

Baldwin	Fisch	Miller of	Stevens of
Beatty	Frailey	Buchanan	Decatur
Bennett	Geske	Miller of Jones	Stevens of
Booth	Hicklin	Mullaney	Wapello
Byers	Hush	Nelson	Topping
Calhoun	Irwin	Patterson	Tripp
Carden	Kimberly	Pendray	Valentine
Chrystal	Meyer	Stanley	Wenner
Doze			Wilson

Nays, 6.

Beardsley	Hill	Ritchie	Shangle
Elthon	Klemme		

Absent or not voting, 13.

Anderson	Hopkins	Leo	Reese
Aschenbrenner	Husted	McArthur	Roelofs
Coykendall	Knudson	Moore	Schmidt
Harrington			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Valentine moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Valentine, the bill was messaged to the House immediately.

By unanimous consent, on motion of Senator Tripp House File 135, a bill for an act to amend Chapter one hundred thirty-three (133), Code, 1931, providing for an inspection fee from any restaurant hereafter opened or hereafter changing ownership, and providing for the creation of a separate fund in the hands of the State Treasurer to be known as the restaurant fund, and limiting the purpose for which said fund may be used and providing for the transfer of said fund, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Tripp moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 42.

Anderson	Doze	Klemme	Schmidt
Aschenbrenner	Elthon	Knudson	Shangle
Baldwin	Fisch	Leo	Stevens of
Beatty	Frailey	McArthur	Decatur
Bennett	Geske	Meyer	Stevens of
Booth	Hicklin	Miller of Jones	Wapello
Byers	Hill	Moore	Topping
Calhoun	Hopkins	Mullaney	Tripp
Carden	Husted	Nelson	Valentine
Chrystal	Irwin	Patterson	Wenner
Coykendall	Kimberly	Pendray	Wilson

Nays, 1.

Miller of
Buchanan

Absent or not voting, 7.

Beardsley	Hush	Ritchie	Stanley
Harrington	Reese	Roelofs	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Tripp moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

Senator Doze asked unanimous consent to have Senate File 139 made a special order for Tuesday, March 6th, at 10:30 a. m.

Objection was raised.

Senator Doze moved that Senate File 139 be made a special order for Tuesday, March 6th, at 10:30 a. m.

The motion was lost.

By unanimous consent, on motion of Senator Calhoun House File 151, a bill for an act to provide an appropriation to defray the expenses of the Supreme Court and the judges thereof during the biennium from July first nineteen hundred thirty-three to June thirtieth nineteen hundred thirty-five, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Calhoun moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 34.

Anderson	Doze	Kimberly	Roelofs
Baldwin	Elthon	Klemme	Schmidt
Beatty	Fisch	Leo	Stanley
Bennett	Frailey	McArthur	Topping
Booth	Geske	Miller of	Tripp
Byers	Hicklin	Buchanan	Valentine
Calhoun	Hill	Miller of Jones	Wenner
Carden	Hush	Patterson	Wilson
Chrystal	Irwin	Pendray	

Nays, 9.

Aschenbrenner	Husted	Shangle	Stevens of
Coykendall	Mullaney	Stevens of	Wapello
Hopkins	Ritchie	Decatur	

Absent or not voting, 7.

Beardsley	Knudson	Moore	Reese
Harrington	Meyer	Nelson	

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

Senator Calhoun moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Wilson, House File 216, a bill for an act to provide for the issuing of a permit to pipe line companies engaged in the business of owning, operating or controlling lines for the transportation or transmission of gas, gasoline, oils, or motor fuels and/or inflammable fluids within or through this state; providing for construction and annual inspection fees; providing for the regulation of the construction, location and inspection of pipe lines; providing for the right of eminent domain and regulating the use of such right; providing that the board of railroad commissioners shall have supervision over pipe lines, and providing for the fixing of property security and responsibility by pipe line companies for the protection of persons sustaining damage by them; fixing jurisdiction in the district court of the county where any controversy arises involving said pipe lines, and providing a method of service of notice of suit against pipe line companies; and providing for injunction and penalty for violation of same; and repealing chapter three hundred eighty-three-D one (383-D1), code, 1931, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senators Hicklin and Wilson offered the following amendment and moved its adoption:

Amend by adding after the period in line 6 of Section 18 the following: "The provisions of this chapter shall not be retroactive as against existing rights of property owners where pipe lines have been constructed or are in the process of construction."

The amendment was adopted.

Senators Wilson and Hicklin offered the following amendment and moved its adoption:

Amend by adding after the period in line 4 of Section 11 the following: "Provided, however, that before any permit shall be granted to any

pipe line company proposing to engage in intrastate commerce, the commission shall, after a public hearing as provided in this chapter, determine whether the services proposed to be rendered will promote the public convenience and necessity, and an affirmative finding to such effect shall be a condition precedent to the granting of such permit."

The amendment was adopted.

Senator Hush offered the following amendment and moved its adoption:

Amend by striking from Section twenty-four (24) lines fourteen (14) to twenty (20) inclusive and inserting in lieu thereof the following:

"Nothing in this Chapter shall authorize the construction of a pipe-line longitudinally on, over or under any railroad right of way or public highway, or at other than an approximate right angle to such railroad track or public highway without the consent of such railroad company, the Highway Commission or Board of Supervisors, as the case may be, nor shall any provision of this Chapter authorize or give the right of condemnation or eminent domain for such purposes."

The amendment was adopted.

The bill was read for information.

Senator Hicklin moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 46.

Anderson	Fisch	McArthur	Schmidt
Aschenbrenner	Frailey	Meyer	Shangle
Baldwin	Geske	Miller of	Stanley
Beardsley	Hicklin	Buchanan	Stevens of
Bennett	Hill	Moore	Decatur
Booth	Hopkins	Mullaney	Stevens of
Byers	Husted	Nelson	Wapello
Calhoun	Irwin	Patterson	Topping
Carden	Kimberly	Pendray	Tripp
Chrystal	Klemme	Reese	Valentine
Coykendall	Knudson	Ritchie	Wenner
Doze	Leo	Roelofs	Wilson
Elthon			

Nays, none.

Absent or not voting, 4.

Beatty	Harrington	Hush	Miller of Jones
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hicklin moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

SENATE FILE 313 RESUMED

Senator Stevens of Wapello called up for consideration Senate File 313, upon which action was deferred as shown on page 1283 of the Senate journal.

Senator Hicklin moved the adoption of his amendment upon which action was deferred, as shown on page 1283 of the Senate journal.

Senator Hicklin offered the following amendment to the pending amendment and moved its adoption:

Amend section 2, line 2, by striking the word "such" and inserting in lieu thereof the word "a"; also amend line 2 by inserting after the word "mortgage" the words "upon livestock or feed".

The amendments to the amendment were adopted.

Senator Wenner offered the following amendment to the amendment as printed and moved its adoption:

Amend section 1 by inserting in line 6 after the word "amount" the words "to be fixed by the court".

The amendment to the amendment was adopted.

The amendment as amended was lost.

Senator Hush called up for consideration his amendment, as found on page 1271 of the Senate journal, and moved that the amendment be withdrawn.

The motion prevailed.

President pro tempore Harold L. Irwin was called to the chair at 4:07 p. m.

Senator Patterson offered the following amendment and moved its adoption:

Amend section 1 by inserting in line 29 after the word "served" the following: "by any peace officer".

The amendment was adopted.

Senators Knudson and Hicklin offered the following amendment and moved its adoption:

Amend by adding a new section as follows:

"Sec. 2. This act being of importance shall be in effect from and after its publication in the Wapello Republican, a newspaper published at Wapello, Iowa, and the Daily Freeman-Journal, a newspaper published at Webster City, Iowa."

The amendment was lost.

Senator Pendray moved the previous question, which motion prevailed.

Senator Stevens of Wapello moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 7.

Booth	Stevens of	Stevens of	Topping
Patterson	Decatur	Wapello	Tripp
Shangle			

Nays, 35.

Aschenbrenner	Doze	Kimberly	Mullaney
Beardsley	Elthon	Klemme	Nelson
Beatty	Fisch	Knudson	Pendray
Bennett	Geske	McArthur	Reese
Byers	Hill	Meyer	Roelofs
Calhoun	Hopkins	Miller of	Stanley
Carden	Hush	Buchanan	Valentine
Chrystal	Husted	Miller of Jones	Wenner
Coykendall	Irwin	Moore	Wilson

Absent or not voting, 8.

Anderson	Frailey	Hicklin	Ritchie
Baldwin	Harrington	Leo	Schmidt

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

By unanimous consent, on request of Senator Geske, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File 325, by committee on emergency legislation, a bill for an act to amend subsection one (1) of section eighty-five eighty-one-c-three (8581-c3) of the Code, 1931, relating to the definition of securities, and to amend Chapter Three Hundred Ninety Three C One (393-c1), Code, 1931, by adding thereto immediately after section eighty-five eighty-one-c-twenty-six (8581-c26) a new section eighty-five eighty-one-c-twenty-six-a (8581-c26a) making it the duty of the State Bureau of Investigation and all sheriffs, county attorneys, and peace officers of the State to investigate violations and assist the Secretary of State in the enforcement of said chapter.

Read first and second times and referred to sifting committee.

HOUSE MESSAGES CONSIDERED

House File 341, a bill for an act to amend section one (1), chapter one hundred seventy-nine (179), Acts of the Forty-fifth General Assembly, pertaining to the extension of the redemption period in real estate foreclosure of mortgages or deeds of trust.

Read first and second times and referred to sifting committee.

House File 317, a bill for an act relating to unexpended appropriations of the Forty-fourth General Assembly and previous General Assemblies made to the institutions under the Board of Control.

Read first and second times and referred to sifting committee.

House File 346, a bill for an act to make an appropriation of twenty-nine dollars and ninety-eight cents (29.98) to Dr. E. E. Munger, Spencer, Iowa, for his expenses as a member of the committee appointed under authority of House Joint Resolution Number Seven (7) of the Forty-fifth General Assembly for preparation of minority report of the State University Hospital.

Read first and second times and referred to committee on appropriations.

House File 350, a bill for an act to authorize municipalities, as an emergency measure to be financed only through the Federal Emergency Administration of Public Works, to purchase, establish, construct, maintain and operate armories, and pay for the same solely and only out of the earnings thereof; to authorize the issuance of revenue bonds payable solely and only out of the revenues from such armories to the payment of such revenue bonds.

Read first and second times and referred to sifting committee.

SENATE CONCURRENT RESOLUTION NO. 14

Be It Resolved by the Senate, the House of Representatives concurring, That the Forty-fifth General Assembly in Extraordinary Session adjourn, sine die, at 12 o'clock noon, Saturday, March 10, 1934.

JOHN N. CALHOUN.

FRANK C. BYERS.

GEO. A. WILSON.

WM. S. BEARDSLEY.

G. W. PATTERSON.

EDW. J. WENNER.

WILLIAM CARDEN.

LAFE HILL.

GEO. M. HOPKINS.

ORA E. HUSTED.

FRED W. NELSON.

CHAS. D. BOOTH.

O. P. BENNETT.

E. R. HICKLIN.

CLAUDE STANLEY.
HOMER HUSH.
W. R. RITCHIE.
LEO ELTHON.

RICHARD V. LEO.
WM. H. KLEMMME.
CAROLYN C. PENDRAY.
MIKE G. FISCH.

Passed on file.

The journal of March 1st was corrected and approved.

CALL OF THE SENATE

MR. PRESIDENT: We, the undersigned Senators, request a call of the Senate for the consideration of House File 336 at 2:00 p. m. on Monday, March 5, 1934:

J. R. FRAILEY.
W. F. MILLER.
H. C. BALDWIN.
D. W. KIMBERLY.
H. L. IRWIN.
M. MOORE.
CLYDE H. TOPPING.

E. R. HICKLIN.
M. X. GESKE.
L. H. MEYER.
T. W. MULLANEY.
L. T. SHANGLE.
FRANK C. BYERS.
JOHN K. VALENTINE.

AMENDMENTS FILED

Amend House File 336 as follows:

1. Amend the title by inserting after the word "to" in line 1 thereof the following:

"amend sections nineteen hundred and twenty-three (1923), twenty hundred seventy-two (2072), twenty-one hundred thirty (2130) and twenty-one hundred thirty-six (2136) of the code of Iowa, 1931, all relating to intoxicating liquors, and to".

2. Amend by inserting as Section 1 the following:

"Section 1. That section one thousand nine hundred twenty-three (1923) of the code of Iowa, 1931, be and the same is hereby amended by striking the period after the word 'whatever' in line six (6) thereof and inserting in lieu thereof the following:

"provided, however, that the words 'liquor' or 'intoxicating liquor' wherever used in title six of the code of Iowa, 1931, shall not be construed to include beer, ale, porter, stout, or any other malt liquor containing not more than four per centum (4%) of alcohol by weight."

3. Amend by inserting as Section 2 the following:

"Sec. 2. That section twenty hundred seventy-two (2072) of the code of Iowa, 1931, is hereby amended by striking out the words 'except malt liquors' appearing in the fourth (4th) line thereof."

4. Amend by inserting as Section 3 the following:

"Sec. 3. That section twenty-one hundred thirty (2130) of the code of Iowa, 1931, is hereby amended by striking out the words 'not including malt liquors' appearing in the fifth (5th) line thereof."

5. Amend by inserting as Section 4 the following:

"Sec. 4. That section twenty-one hundred thirty-six (2136) of the

code of Iowa, 1931, is hereby amended by striking out all of the last paragraph of subsection twelve (12) thereof."

6. Amend Section 2, subsection i, by adding the following paragraph:

"No beer shall be sold in this state after July 1, 1934, unless made from sixty-six and two-thirds per cent (66 2/3%) or more of barley malt."

7. Amend Section 21 by inserting after the period in line 9 thereof the following:

"For a golf or country club, as defined in section fifteen (15), subsection a, the license may be granted for a period of six months, for which the license fee shall be fifty dollars (\$50.00)."

8. Amend Section 23 by striking from line 10 the words "and the date and amount of each purchase" and inserting in lieu thereof the following:

"and such other information as the treasurer of state may require".

9. Amend by striking Section 30 and inserting in lieu thereof the following:

"The revenues obtained from permit fees and the barrel tax collected under the provisions of this act shall be distributed as follows:

a. In all counties in which there is a city having a population of more than ten thousand (10,000), permit fees collected under the provisions of this act by any municipality shall be retained by such municipality and allocated to its general fund; in all other counties fifty per cent of the permit fees collected under the provisions of this act by any municipality shall be retained by it and allocated to its general fund, and fifty per cent shall be paid to the county treasurer and accrue to the general fund of such county.

b. All license fees and taxes collected by the treasurer of state of the state of Iowa shall accrue to the state sinking fund for public deposits as created in chapter three hundred fifty-two-A one (352-A1) of the 1931 code of Iowa."

10. Amend Section 36 by inserting after the word "to" in line 4 thereof the following:

"amend sections nineteen hundred and twenty-three (1923), twenty hundred seventy-two (2072), twenty-one hundred thirty (2130) and twenty-one hundred thirty-six (2136) of the code of Iowa, 1931, all relating to intoxicating liquors, and to".

11. Further amend by renumbering all sections and subsections thereof to conform to the foregoing amendments.

J. R. FRAILEY, *Chairman, Liquor Control Committee.*

Amend House File 334 as follows:

Strike from Section one (1), line four (4) the words "wharves, docks, piers".

Amend Section two (2) by striking from line four (4) the words "wharves, docks, piers".

Amend Section four (4) by striking from lines five and six (5 and 6) the words "landings, wharfage, dockage".

H. L. IRWIN.

Amend Senate File 139 by striking the title and inserting in lieu thereof the following: "An Act to provide for the public welfare through the recognition of the economic emergency existing in the state and nation; to declare the policy of the state of Iowa to be that of cooperating with and

assisting the national government in promoting industrial recovery; to use the state and local officers and employees of the State of Iowa; to enforce the Act of Congress entitled 'An Act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes,' approved June 16, 1933, and commonly known as the 'National Industrial Recovery Act'; to prohibit and punish violations of the provisions of said congressional act and the provisions of this act and provisions of codes of fair competition, agreements and licenses established under said congressional act or this act; to provide for the adoption of codes of fair competition for the various industries of the state; to authorize suits to restrain violation of such codes, licenses and agreements; to give the district court jurisdiction; to modify the anti-trust laws wherein they conflict with this act; and to provide for termination of this act." J. E. DOZE.

Senator Carden moved that the Senate adjourn until 10:00 a. m. Saturday.

Senator Tripp moved to amend by making the time 9:00 a. m.

Senator Wilson, as a substitute for all pending motions, moved that the Senate adjourn until 9:55 a. m. Saturday.

The substitution was made.

The substitute motion was adopted, and the Senate adjourned until 9:55 a. m. Saturday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 3, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. Henry McCraven, pastor of the A. M. E. Church of Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Patterson for the day, on request of Senator Knudson; Senator Bennett for the day, on request of Senator Hill; all absent Senators for the day, on request of Senator Hicklin.

PETITIONS AND MEMORIALS

The following petition was presented and referred to the designated committee:

Favoring tax on chain stores. Senator Patterson from business men of Mallard and Emmetsburg. Sifting committee.

SPECIAL COMMITTEE REPORT CONSIDERED

Senator Byers called up for consideration the report of special committee, concerning certain investigations, as found on page 1237 of the Senate journal, and moved its adoption.

The report was adopted.

MEMORIAL RESOLUTIONS

Senator Carden moved that all memorial resolutions be on file with the Secretary of the Senate by adjournment time on Tuesday, March 6th.

The motion prevailed.

By unanimous consent, on request of Senator Wilson, the rule of order of bills on the calendar was suspended and bills were considered by unanimous consent.

SENATE FILE 215 WITHDRAWN

By unanimous consent, on request of Senator Wilson, Senate File 215, a companion bill to House File 216 as passed by the Senate, was withdrawn from further consideration.

REPORT OF SIFTING COMMITTEE

MR. PRESIDENT: Your sifting committee begs leave to report that it has had the following bills under consideration and recommend that they be placed on the calendar:

House File 231	House File 295	House File 349
House File 324	House File 347	Senate File 311
House File 343	House File 317	House File 289
House File 284	House File 315	House File 178
House File 140	Senate File 325	Senate File 318
House File 333	Senate File 324	Senate File 319
Senate File 203	House File 350	

M. X. GESKE, *Chairman.*

THIRD READING OF BILLS

On motion of Senator Stevens of Wapello, House File 140, a bill for an act relating to place of payment of public bonds and interest thereon, returned by the sifting committee, was taken up and considered under a suspension of the rules.

The bill was read for information.

Senator Stevens of Wapello moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 33.

Beardsley	Geske	Miller of	Stanley
Beatty	Hill	Buchanan	Stevens of
Booth	Hopkins	Miller of Jones	Wapello
Byers	Hush	Moore	Topping
Calhoun	Husted	Mullaney	Tripp
Carden	Kimberly	Nelson	Valentine
Coykendall	Klemme	Reese	Wenner
Doze	Knudson	Roelofs	Wilson
Elthon	Meyer	Shangle	

Nays, none.

Absent or not voting, 17.

Anderson	Fisch	Leo	Ritchie
Aschenbrenner	Frailey	McArthur	Schmidt
Baldwin	Harrington	Patterson	Stevens of
Bennett	Hicklin	Pendray	Decatur
Chrystal	Irwin		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Knudson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

On motion of Senator Stevens of Wapello, House File 231, an emergency bill for an act to legalize all depositors agreements heretofore entered into by any county, town, city, township or school district, by its governing body or any designated officer or agent for that purpose, or by the State of Iowa, through its Executive Council, or any officer or agent for that purpose covering deposits of public moneys in any state bank, savings bank, trust company, private bank or national bank in Iowa, or any bank or trust company assuming all or any part of the deposit liability of a depository bank or trust company, and providing for participation in the State Sinking Fund for public deposits, returned by the sifting committee, was taken up and considered under a suspension of the rules.

The bill was read for information.

Action was deferred temporarily.

On motion of Senator Stevens of Wapello, House File 324, a bill for an act to amend Section Seven Thousand Three (7003), Code, 1931, relating to the taxation of Bank Stock, returned by the sifting committee, was taken up and considered, under a suspension of the rules.

Senator Stevens of Wapello asked that permission be given the superintendent of banking to appear before the Senate and answer questions concerning several banking bills.

Permission was given.

The bill was read for information.

Senator Stevens of Wapello moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 30.

Baldwin
Byers

Calhoun
Carden

Chrystal
Coykendall

Doze
Elthon

Geske	Knudson	Mullaney	Stanley
Hicklin	Meyer	Nelson	Stevens of
Hopkins	Miller of	Pendray	Wapello
Husted	Buchanan	Reese	Tripp
Kimberly	Miller of Jones	Roelofs	Valentine
Klemme	Moore	Shangle	Wenner

Nays, 2.

Hill Wilson

Absent or not voting, 18.

Anderson	Booth	Irwin	Schmidt
Aschenbrenner	Fisch	Leo	Stevens of
Beardsley	Frailey	McArthur	Decatur
Beatty	Harrington	Patterson	Topping
Bennett	Hush	Ritchie	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Husted, House File 333, a bill for an act to amend Section one (1) of Chapter one hundred seventy-eight (178) of the Acts of the Forty-fifth General Assembly, regular session, to aid in advancement by the Reconstruction Finance Corporation, or any other Federal governmental agency, returned by the sifting committee, was taken up and considered, under a suspension of the rules.

The bill was read for information.

Senator Husted moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 31.

Baldwin	Hicklin	Miller of	Roelofs
Beatty	Hill	Buchanan	Shangle
Booth	Hopkins	Miller of Jones	Stanley
Byers	Hush	Moore	Stevens of
Calhoun	Husted	Mullaney	Wapello
Carden	Kimberly	Nelson	Topping
Chrystal	Klemme	Pendray	Tripp
Doze	Meyer	Reese	Wenner
Geske			

Nays, 1.

Coykendall

Absent or not voting, 18.

Anderson	Fisch	Leo	Stevens of
Aschenbrenner	Frailey	McArthur	Decatur
Beardsley	Harrington	Patterson	Valentine
Bennett	Irwin	Ritchie	Wilson
Elthon	Knudson	Schmidt	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Knudson, House File 278, a bill for an act to amend Chapter Three Hundred Fifty-two a 1 (352-a1), Code, 1931, relating to limitation of claims now filed or hereafter filed against the State Sinking Fund for public deposits and providing for assignment and reassignment of such claims and barring claims not so assigned, and repealing all acts in conflict, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Knudson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 32.

Baldwin	Hicklin	Miller of	Shangle
Booth	Hill	Buchanan	Stanley
Byers	Hopkins	Miller of Jones	Stevens of
Garden	Hush	Moore	Wapello
Chrystal	Husted	Mullaney	Topping
Coykendall	Kimberly	Nelson	Tripp
Doze	Klemme	Pendray	Valentine
Elthon	Knudson	Roelofs	Wenner
Geske	Meyer		

Nays, 1.

Wilson

Absent or not voting, 17.

Anderson	Calhoun	Leo	Ritchie
Aschenbrenner	Fisch	McArthur	Schmidt
Beardsley	Frailey	Patterson	Stevens of
Beatty	Harrington	Reese	Decatur
Bennett	Irwin		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Husted, House File 343, a bill for an act to amend Section ninety-one hundred eighty-three (9183), Code, 1931, and to permit savings banks to invest in bonds of the Home Owners Loan Corporation, and in Class A Stock of the Federal Deposit Insurance Corporation, returned by the sifting committee, was taken up and considered, under a suspension of the rules.

The bill was read for information.

Senator Husted moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 33.

Baldwin	Hicklin	Miller of	Shangle
Booth	Hill	Buchanan	Stanley
Byers	Hopkins	Miller of Jones	Stevens of
Calhoun	Hush	Moore	Wapello
Carden	Husted	Mullaney	Topping
Chrystal	Kimberly	Nelson	Tripp
Coykendall	Klemme	Pendray	Valentine
Doze	Meyer	Reese	Wenner
Geske		Roelofs	Wilson

Nays, none.

Absent or not voting, 17.

Anderson	Elthon	Knudson	Ritchie
Aschenbrenner	Fisch	Leo	Schmidt
Beardsley	Frailey	McArthur	Stevens of
Beatty	Harrington	Patterson	Decatur
Bennett	Irwin		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Wilson, House File 284, a bill for an act to amend section seventy-four hundred twenty-d six (7420-d6), Code, 1931, relating to the rate of interest on public deposits, returned by the sifting committee was taken up, and considered, under a suspension of the rules.

The bill was read for information.

Senator Wilson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 33.

Baldwin	Geske	Miller of	Stanley
Booth	Hicklin	Buchanan	Stevens of
Byers	Hill	Miller of Jones	Wapello
Calhoun	Hopkins	Moore	Topping
Carden	Hush	Mullaney	Tripp
Chrystal	Husted	Pendray	Valentine
Coykendall	Kimberly	Reese	Wenner
Doze	Klemme	Roelofs	Wilson
Elthon	Meyer	Shangle	

Nays, none.

Absent or not voting, 17.

Anderson	Beardsley	Bennett	Frailey
Aschenbrenner	Beatty	Fisch	Harrington

Irwin
Knudson
Leo

McArthur
Nelson
Patterson

Ritchie
Schmidt

Stevens of
Decatur

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Miller of Buchanan, House File 257, a bill for an act to amend sections seventy-four hundred twenty-a9 (7420-a9), seventy-four hundred twenty-b1 (7420-b1) and seventy-four hundred twenty-a18 (7420-a18), Code 1931, relating to proof, certification, amount and manner of filing claims against the State Sinking Fund for public deposits where a bank or trust company has reorganized and trust certificates have issued; and also relating to payment, interest, presentation of objections regarding such claims, distribution by trustees, rights of Treasurer of State and rights of public depositors; and providing rules for construction, returned by the sifting committee, was taken up, and considered.

The bill was read for information.

Senator Miller of Buchanan moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 31.

Baldwin	Hicklin	Miller of	Shangle
Booth	Hill	Buchanan	Stanley
Byers	Hopkins	Miller of Jones	Stevens of
Carden	Hush	Mullaney	Wapello
Chrystal	Husted	Nelson	Topping
Coykendall	Kimberly	Pendray	Tripp
Doze	Klemme	Reese	Valentine
Elthon	Meyer	Roelofs	Wenner
Geske			

Nays, none.

Absent or not voting, 19.

Anderson	Calhoun	Knudson	Ritchie
Aschenbrenner	Fisch	Leo	Schmidt
Beardsley	Frailey	McArthur	Stevens of
Beatty	Harrington	Moore	Decatur
Bennett	Irwin	Patterson	Wilson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Wilson, House File 350, a bill for an act to authorize municipalities, as an emergency measure to be financed

only through the Federal Emergency Administration of Public Works, to purchase, establish, construct, maintain and operate armories, and pay for the same solely and only out of the earnings thereof; to authorize the issuance of revenue bonds payable solely and only out of the revenues from such armories to the payment of such revenue bonds, returned by the sifting committee was taken up, and considered, under a suspension of the rules.

The bill was read for information.

Senator Wilson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 32.

Baldwin	Hicklin	Miller of	Shangle
Booth	Hill	Buchanan	Stanley
Byers	Hopkins	Miller of Jones	Stevens of
Carden	Hush	Moore	Wapello
Chrystal	Husted	Mullaney	Topping
Coykendall	Kimberly	Pendray	Tripp
Doze	Klemme	Reese	Valentine
Elthon	Meyer	Roelofs	Wenner
Geske			Wilson

Nays, none.

Absent or not voting, 18.

Anderson	Calhoun	Knudson	Ritchie
Aschenbrenner	Fisch	Leo	Schmidt
Beardsley	Frailey	McArthur	Stevens of
Beatty	Harrington	Nelson	Decatur
Bennett	Irwin	Patterson	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

HOUSE FILE 231 RESUMED

Senator Tripp offered the following amendment and moved its adoption:

Amend by inserting after section 5 the following section:

"Sec. 6. This act shall not in any wise affect suits or pending litigation where petition has been filed."

Amend also by renumbering section 6 as section 7.

Senator Klemme moved that action be deferred and House File 231 be made a special order for Monday at 10:30 a. m.

The motion was lost.

The pending amendment was lost.

The bill was read for information.

Senator Stevens of Wapello moved that the reading just had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 26.

Anderson	Hopkins	Miller of Jones	Shangle
Baldwin	Husted	Moore	Stanley
Byers	Kimberly	Mullaney	Stevens of
Chrystal	Klemme	Nelson	Wapello
Doze	Meyer	Pendray	Topping
Geske	Miller of	Reese	Valentine
Hicklin	Buchanan	Roelofs	Wenner

Present, 1.

Hill

Nays, 7.

Booth	Coykendall	Hush	Wilson
Calhoun	Elthon	Tripp	

Absent or not voting, 16.

Aschenbrenner	Fisch	Knudson	Ritchie
Beardsley	Fraily	Leo	Schmidt
Beatty	Harrington	McArthur	Stevens of
Bennett	Irwin	Patterson	Decatur
Carden			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Calhoun, Senate File 311, a bill for an act to legalize warrants issued by the Council of the Town of Wyoming, County of Jones and State of Iowa, issued against its Waterworks Fund and the proceedings taken authorizing the retirement of said warrants and for the levy of taxes to pay the same, returned by the sifting committee was taken up and considered, under a suspension of the rules.

The bill was read for information.

Senator Calhoun moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 33.

Baldwin	Chrystal	Geske	Hush
Booth	Coykendall	Hicklin	Husted
Byers	Doze	Hill	Kimberly
Calhoun	Elthon	Hopkins	Klemme

Meyer	Mullaney	Shangle	Tripp
Miller of	Nelson	Stanley	Valentine
Buchanan	Pendray	Stevens of	Wenner
Miller of Jones	Reese	Wapello	Wilson
Moore	Roelofs	Topping	

Nays, none.

Absent or not voting, 17.

Anderson	Carden	Knudson	Ritchie
Aschenbrenner	Fisch	Leo	Schmidt
Beardsley	Frailey	McArthur	Stevens of
Beatty	Harrington	Patterson	Decatur
Bennett	Irwin		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Elthon, House File 269, a bill for an act to amend the law as it appears in sections thirty-two hundred forty-four-b one (3244-b1), thirty-two hundred forty-four-b three (3244-b3) and thirty-two hundred forty-four-b six (3244-b6), Code, 1931, relating to certain standards as to weight of bread, providing penalties for violation, and authorizing the Secretary of Agriculture to make rules and regulations for the enforcement of the law pertaining to bread, and amending Chapter one hundred sixty-one (161), Code, 1931, relating to the time, place and manner of weighing bread, returned by the sifting committee, was taken up and considered.

Senator Wenner offered the following amendments and moved their adoption:

Amend by striking all of Section one (1) and re-numbering "Sec. 2" as "Sec. 1", "Sec. 3" as "Sec. 2", "Sec. 4" as "Sec. 3", and inserting, as "Sec. 4", the following:

"Sec. 4. Section thirty-two hundred forty-four-b one (3244-b1) Code 1931, is amended by striking from line seven (7) thereof the words 'one-half pound' and inserting in lieu thereof the words 'three-quarters pound'."

Further amend by striking all of Section five (5) and inserting in lieu thereof the following:

"Sec. 5. This act being deemed of immediate importance shall be in full force and effect from and after its publication in the Northwood Anchor, a newspaper published at Northwood, Iowa, and in the Cedar Falls Daily Record, a newspaper published at Cedar Falls, Iowa."

The amendments were adopted.

The bill was read for information.

Senator Elthon moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 33.

Anderson	Geske	Miller of Jones	Stanley
Baldwin	Hicklin	Moore	Stevens of
Booth	Hill	Mullaney	Wapello
Byers	Hopkins	Nelson	Topping
Calhoun	Hush	Pendray	Tripp
Chrystal	Husted	Reese	Valentine
Coykendall	Kimberly	Roelofs	Wenner
Doze	Klemme	Shangle	Wilson
Elthon	Meyer		

Nays, none.

Absent or not voting, 17.

Aschenbrenner	Fisch	Leo	Ritchie
Beardsley	Frailey	McArthur	Schmidt
Beatty	Harrington	Miller of	Stevens of
Bennett	Irwin	Buchanan	Decatur
Carden	Knudson	Patterson	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hopkins, House File 295, a bill for an act to repeal section seven thousand seven hundred fourteen b-one (7714-b1), Code, 1931, relating to drainage refunding bonds, and to enact a substitute therefor, to amend section seven thousand seven hundred fourteen b-ten (7714-b10), Code, 1931, relating to drainage refunding bonds, and to amend Chapter three hundred fifty-eight b-one (358-b1), Code, 1931, relating to drainage refunding bonds, by adding thereto section seven thousand seven hundred fourteen c-one (7714-c1) relating to the redemption of land sold for failure to pay drainage assessments, returned by the sifting committee, was taken up and considered, under a suspension of the rules.

The bill was read for information.

Senator Hopkins moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 29.

Anderson	Hill	Moore	Stevens of
Baldwin	Hopkins	Mullaney	Wapello
Booth	Hush	Nelson	Topping
Chrystal	Husted	Pendray	Tripp
Coykendall	Kimberly	Reese	Valentine
Doze	Klemme	Shangle	Wenner
Elthon	Meyer	Stanley	Wilson
Geske	Miller of Jones		

Nays, none.

Absent or not voting, 21.

Aschenbrenner	Carden	Knudson	Ritchie
Beardsley	Fisch	Leo	Roelofs
Beatty	Frailey	McArthur	Schmidt
Bennett	Harrington	Miller of	Stevens of
Byers	Hicklin	Buchanan	Decatur
Calhoun	Irwin	Patterson	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File 344, a bill for an act relating to the nature of waivers by certificate holders as provided for therein.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 277, a bill for an act authorizing the investment of funds by insurance companies in bonds of the Federal Home Loan Banks and of the Home Owner's Loan Corporation.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 298, a bill for an act relating to civil service appointments and examinations.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 322, a bill for an act relating to uniform cost accounting and financial record of schools.

Also: That the House has failed to pass the following bill in which the concurrence of the House was asked:

Senate File 125, a bill for an act providing for the compromise of taxes on real estate and for redemption from tax sales thereof.

VIRGIL LEKIN, *Chief Clerk.*

The journal of March 2d was corrected and approved.

AMENDMENTS FILED

Amend House File 335 by inserting following the word "purposes" in line 8 of section 7 the following:

"provided, however, no election shall be necessary unless demanded by a petition signed by twenty per cent of the voters at the last preceding municipal election following the publication of an ordinance adopted for the issuance of such bonds".

H. C. BALDWIN.

I move as a substitute for the amendment offered to House File 334 by Senator Irwin, the following:

Amend Section One (1) by inserting in line four (4) following the comma after the word "docks" the word "or"; also by inserting after the comma following the word "piers" the following:

"when the same are authorized by a majority of voters after the proposition for such project shall have been submitted at an election to be called and conducted as required by the statutes regulating elections relating to the authorization and issuance of bonds by cities and towns for similar purposes, provided however no election shall be necessary unless demanded by a petition signed by twenty per cent of the voters at the last preceding municipal election following the publication of an ordinance adopted for the issuance of such bonds, and". H. C. BALDWIN.

On motion of Senator Doze the Senate adjourned until 10:00 a. m. Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 5, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. J. H. Freedline, pastor of the M. E. Church of Brooklyn.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Bennett for the forenoon, on request of Senator Carden; Senator Anderson for the forenoon, on request of Senator Hicklin.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Wilson, Senate File 318, a bill for an act to amend section sixty-six hundred ten-thirty-seven (6610-c37) of the Code of Iowa, 1931, relating to street improvements and sewers in cities under the commission form of government, granting authority to the court to amend any schedule of assessments by postponing the due date of any installment which falls due before the acceptance of the work to a date following the due date of the last installment in the original schedule of assessments, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Wilson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 30.

Baldwin	Hopkins	Miller of Jones	Stevens of
Beardsley	Husted	Moore	Decatur
Booth	Irwin	Mullaney	Stevens of
Calhoun	Kimberly	Reese	Wapello
Carden	Klemme	Ritchie	Valentine
Frailey	Leo	Roelofs	Wenner
Geske	Meyer	Schmidt	Wilson
Hicklin	Miller of	Stanley	
Hill	Buchanan		

Nays, none.

Absent or not voting, 20.

Anderson	Chrystal	Harrington	Patterson
Aschenbrenner	Coykendall	Hush	Pendray
Beatty	Doze	Knudson	Shangle
Bennett	Elthon	McArthur	Topping
Byers	Fisch	Nelson	Tripp

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Wilson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Wilson, Senate File 319, a bill for an act to amend section fifty-nine hundred eighty-one (5981) Code of Iowa, 1931, relating to street improvements, sewers and special assessments, gas, water and other connections, and providing for the installation of said connections by cities and towns if the owner fails to make said connections, as provided in said section, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Wilson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 29.

Baldwin	Geske	Miller of	Stanley
Beardsley	Hicklin	Buchanan	Stevens of
Booth	Hill	Miller of Jones	Decatur
Calhoun	Husted	Mullaney	Stevens of
Carden	Kimberly	Pendray	Wapello
Coykendall	Klemme	Reese	Valentine
Elthon	Leo	Roelofs	Wenner
Frailey	Meyer	Schmidt	Wilson

Nays, none.

Absent or not voting, 21.

Anderson	Doze	Irwin	Patterson
Aschenbrenner	Fisch	Knudson	Ritchie
Beatty	Harrington	McArthur	Shangle
Bennett	Hopkins	Moore	Topping
Byers	Hush	Nelson	Tripp
Chrystal			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Wilson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Geske, House File 347, a bill for an act to authorize and empower the finance committee of the Iowa State Board of Education to compromise and settle obligations growing out of notes and mortgages taken by said committee, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Geske moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Baldwin	Hicklin	Miller of	Roelofs
Beardsley	Hill	Buchanan	Schmidt
Beatty	Hopkins	Miller of Jones	Stanley
Booth	Husted	Moore	Stevens of
Calhoun	Irwin	Mullaney	Decatur
Carden	Kimberly	Nelson	Stevens of
Coykendall	Klemme	Patterson	Wapello
Elthon	Leo	Pendray	Valentine
Frailey	Meyer	Reese	Wenner
Geske		Ritchie	Wilson

Nays, none.

Absent or not voting, 14.

Anderson	Chrystal	Hush	Shangle
Aschenbrenner	Doze	Knudson	Topping
Bennett	Fisch	McArthur	Tripp
Byers	Harrington		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

On motion of Senator Hill, House File 304, a bill for an act to amend section forty-four hundred three (4403), Code, 1931, relating to the levy to pay interest and principal on lawful bonded indebtedness, returned by the sifting committee, was taken up and considered.

The bill was read for information.

By unanimous consent, on request of Senator Wilson, his amendment, as found on page 1217 of the Senate journal, was withdrawn.

Senator Hill offered the following amendment and moved its adoption:

Amend by striking out section one (1) and inserting in lieu thereof the following:

"Section 1. Section forty-four hundred three (4403), code 1931, is amended by changing the period (.) following the word 'corporation' in line sixteen (16) to a semi-colon (;) and adding the following:

'provided that the foregoing tax limitation shall not operate to restrict or prevent a school district in the issuance of refunding bonds.'

The amendment was adopted.

Action was deferred temporarily.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has, under suspension of the rules, amended and concurred in the Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 40, a bill for an act to define, license, supervise, and regulate the business of making loans in the amount of \$300.00 or less, and to repeal Chapter 419, Code, 1931. VIRGIL LEKIN, *Chief Clerk*.

HOUSE AMENDMENTS CONSIDERED

Senator Roelofs called up for consideration House File 40 and moved that the Senate suspend the rules and concur in the House amendments to the Senate amendments, as follows:

Amend section four (4), line nineteen (19), by striking the words and figures "one hundred dollars (\$100.00)".

Amend section eight (8), lines two (2) and three (3), by striking the following:

"of one hundred and fifty dollars (\$150.00)" and inserting in lieu thereof "as provided in section two (2) of this Act".

Amend section thirteen (13), line thirty-eight (38), by striking the word "plus" and inserting in lieu thereof "and"; also

Strike from lines thirty-eight (38) and thirty-nine (39) the words "remainder of such unpaid principal balance" and insert in lieu thereof the following: "part of the loan in excess of one hundred fifty dollars (\$150.00)".

Insert the following section immediately after section twenty-two (22):

Sec. 22-a. That the superintendent of banking is hereby authorized to employ such competent help as he deems necessary to carry out and perform the provisions of this act, and is hereby authorized and empowered to pay such persons so employed from the license fees and investigation fees referred to in section two (2) of this Act."

Amend the title by striking all after the word "Act" in line one (1)

and inserting in lieu thereof the following: "to define, license, supervise, and regulate the business of making loans in the amount or of the value of three hundred dollars (\$300) or less at a greater rate of interest or charge than the lender would be permitted by law to charge if not licensed hereunder; to prescribe maximum rates of interest or charges therefor and methods of determining the same from time to time; to provide for the classification of such loans for the purposes of this Act; to enlarge the powers of the superintendent of banking and the state banking board; to regulate assignments of wages or salaries when given as security for any such loan or as consideration for a payment of three hundred dollars (\$300) or less; to provide penalties; to repeal chapter four hundred nineteen (419) of the code, 1931, and to enact a substitute therefor; and to repeal all acts and parts of acts, whether general, special, or local, which relate to the same subject matter as this act, in so far as they are inconsistent with this act.

On the question "Shall the Senate concur?" the vote was:

Ayes, 37.

Baldwin	Geske	Meyer	Roelofs
Beardsley	Hicklin	Miller of	Shangle
Booth	Hill	Buchanan	Stanley
Calhoun	Hopkins	Miller of Jones	Stevens of
Carden	Husted	Moore	Decatur
Chrystal	Irwin	Mullaney	Stevens of
Coykendall	Kimberly	Nelson	Wapello
Doze	Klemme	Patterson	Valentine
Elthon	Knudson	Pendray	Wenner
Frailey	Leo	Ritchie	Wilson

Nays, none.

Absent or not voting, 13.

Anderson	Byers	Hush	Schmidt
Aschenbrenner	Fisch	McArthur	Topping
Beatty	Harrington	Reese	Tripp
Bennett			

The House Amendments having received a constitutional majority were declared to have been adopted and concurred in by the Senate.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Stevens of Wapello, House File 146, a bill for an act giving the operator of a hospital in this State a lien upon all causes of action for damages accruing to a patient therein, or to the legal representatives of such patient, for the reasonable charges for hospital care necessitated by the injuries giving rise to such causes of action, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Shangle offered the following amendment and moved its adoption:

Amend section 1 by striking from lines 40 and 43 the word "carrier" and inserting in lieu thereof the word "company".

The amendment was lost.

Senator Wenner offered the following amendments and moved their adoption:

Amend section 1 by striking from line 29 the word "County Clerk" and inserting in lieu thereof the words "clerk of the district court"; also by striking from section 2, line 1, the words "county clerk" and inserting in lieu thereof the words "clerk of the district court".

The amendments were adopted.

Senator Stevens of Wapello moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Baldwin	Hopkins	Miller of	Schmidt
Booth	Hush	Buchanan	Shangle
Carden	Husted	Miller of Jones	Stanley
Chrystal	Irwin	Moore	Stevens of
Coykendall	Kimberly	Mullaney	Decatur
Doze	Klemme	Nelson	Stevens of
Frailey	Knudson	Patterson	Wapello
Geske	Leo	Pendray	Valentine
Hicklin	McArthur	Reese	Wenner
Hill	Meyer	Roelofs	

Nays, 1.

Calhoun

Absent or not voting, 13.

Anderson	Bennett	Fisch	Topping
Aschenbrenner	Byers	Harrington	Tripp
Beardsley	Elthon	Ritchie	Wison
Beatty			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Stevens of Wapello moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Valentine, House File 178, a bill for an act to amend sections twenty-five hundred eighty-five-b one (2585-b1), twenty-five hundred eighty-five-c

eleven (2585-c11), twenty-five hundred eighty-five-c twelve (2585-c12), twenty-five hundred twelve (2512), twenty-five hundred thirteen (2513), twenty-five hundred twenty-two (2522), twenty-two hundred seventeen (2217), and to amend Chapter one hundred twenty-four-B one (124-B1) by adding thereto section twenty-five hundred eighty-five-f one (2585-f1), Code of 1931, relating to the practice of cosmetology, (including manieuring), and providing penalties for the violation of the laws of Iowa and the rules of the department of health relating to cosmetology, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Valentine moved that the reading just had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 33.

Aschenbrenner	Hill	Miller of	Roelofs
Baldwin	Hopkins	Buchanan	Stanley
Beardsley	Hush	Miller of	Stevens of
Beatty	Husted	Jones	Decatur
Booth	Irwin	Moore	Stevens of
Calhoun	Kimberly	Mullaney	Wapello
Carden	Leo	Patterson	Valentine
Elthon	McArthur	Pendray	Wenner
Geske	Meyer	Reese	Wilson
Hicklin			

Present, 1.

Doze

Nays, 4.

Coykendall	Klemme	Ritchie	Shangle
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Absent or not voting, 12.

Anderson	Chrystal	Harrington	Schmidt
Bennett	Fisch	Knudson	Topping
Byers	Frailey	Nelson	Tripp

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Wilson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on motion of Senator Hicklin, Senate File 203, a bill for an act to amend Section twenty-eight hundred

eighty-six (2886), Code, 1931, relating to the powers and duties of the Iowa state fair board, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Shangle offered the following amendment and moved its adoption:

Amend by striking section 2.

The amendment was lost.

Senator Hicklin called up for consideration the following committee amendment and moved its rejection:

Amend Section 1, paragraph 2, subsection 6, by striking in line three the words "fruit, provisions" and inserting in lieu thereof the word "beer".

The amendment was lost.

Senator Hicklin moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Aschenbrenner	Frailey	Meyer	Shangle
Baldwin	Geske	Miller of	Stanley
Beardsley	Hicklin	Buchanan	Stevens of
Booth	Hill	Moore	Decatur
Byers	Hush	Mullaney	Stevens of
Calhoun	Irwin	Nelson	Wapello
Chrystal	Kimberly	Patterson	Valentine
Coykendall	Klemme	Reese	Wenner
Doze	Knudson	Roelofs	Wilson
Elthon	McArthur	Schmidt	

Nays, 3.

Hopkins	Husted	Ritchie	
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Absent or not voting, 11.

Anderson	Carden	Leo	Topping
Beatty	Fisch	Miller of Jones	Tripp
Bennett	Harrington	Pendray	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hicklin moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 216, a bill for an act providing for the issuing of a permit to pipe line companies.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution No. 14, relating to date of adjournment of the Forty-fifth General Assembly, in extraordinary session.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE CONCURRENT RESOLUTION NO. 14

Be It Resolved by the House of Representatives, the Senate Concurring, That the Forty-fifth General Assembly in Extraordinary Session adjourn, sine die, at 12 o'clock noon, Friday, March 9, 1934.

On motion of Senator Shangle the Senate recessed until 1:15 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

By unanimous consent, on motion of Senator Geske, House File 317, a bill for an act relating to unexpended appropriations of the Forty-fourth General Assembly and previous General Assemblies made to the institutions under the Board of Control, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Geske moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 45.

Aschenbrenner	Elthon	Knudson	Schmidt
Baldwin	Fisch	Leo	Shangle
Beardsley	Frailey	McArthur	Stanley
Beatty	Geske	Meyer	Stevens of
Bennett	Hicklin	Miller of	Decatur
Booth	Hill	Buchanan	Stevens of
Byers	Hopkins	Moore	Wapello
Calhoun	Hush	Mullaney	Topping
Carden	Husted	Patterson	Tripp
Chrystal	Irwin	Pendray	Valentine
Coykendall	Kimberly	Reese	Wenner
Doze	Klemme	Ritchie	Wilson

Nays, none.

Absent or not voting, 5.

Anderson	Miller of Jones	Nelson	Roelofs
Harrington			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Knudson, House File 289, a bill for an act amending Section nine thousand fifty-eight (9058), Code of 1931, relative to provisions of bonds of certain Mutual Insurance Companies, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Carden moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 41.

Beatty	Geske	Meyer	Schmidt
Bennett	Hicklin	Miller of	Shangle
Booth	Hopkins	Buchanan	Stanley
Calhoun	Hush	Miller of Jones	Stevens of
Carden	Husted	Moore	Decatur
Chrystal	Irwin	Mullaney	Topping
Coykendall	Kimberly	Nelson	Tripp
Doze	Klemme	Patterson	Valentine
Elthon	Knudson	Pendray	Wenner
Fisch	Leo	Reese	Wilson
Frailey	McArthur	Ritchie	

Nays, none.

Absent or not voting, 9.

Anderson	Beardsley	Hill	Stevens of
Aschenbrenner	Byers	Roelofs	Wapello
Baldwin	Harrington		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTION TO RECONSIDER CONSIDERED

Senator Elthon called up for consideration his motion to reconsider the vote by which Senate File 308 failed to pass the Senate, as found on page 1157 of the Senate journal, and moved its adoption.

On the question "Shall the motion to reconsider prevail?" the vote was:

Ayes, 35.

Beardsley	Fisch	Klemme	Reese
Beatty	Geske	McArthur	Ritchie
Bennett	Hicklin	Meyer	Schmidt
Booth	Hill	Miller of	Stanley
Calhoun	Hopkins	Buchanan	Stevens of
Carden	Hush	Miller of Jones	Decatur
Chrystal	Husted	Mullaney	Topping
Coykendall	Irwin	Patterson	Tripp
Doze	Kimberly	Pendray	Wenner
Elthon			

Nays, 1.

Shangle

Absent or not voting, 14.

Anderson	Frailey	Moore	Stevens of
Aschenbrenner	Harrington	Nelson	Wapello
Baldwin	Knudson	Roelofs	Valentine
Byers	Leo		Wilson

The motion to reconsider prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 42.

Baldwin	Fisch	McArthur	Schmidt
Beardsley	Geske	Miller of	Stanley
Beatty	Hicklin	Buchanan	Stevens of
Bennett	Hopkins	Miller of Jones	Decatur
Booth	Hush	Moore	Stevens of
Byers	Husted	Mullaney	Wapello
Calhoun	Irwin	Nelson	Topping
Carden	Kimberly	Patterson	Tripp
Chrystal	Klemme	Pendray	Valentine
Coykendall	Knudson	Reese	Wenner
Doze	Leo	Ritchie	Wilson
Elthon			

Nays, 1.

Shangle

Absent or not voting, 7.

Anderson	Frailey	Hill	Roelofs
Aschenbrenner	Harrington	Meyer	

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

HOUSE FILE 304 RESUMED

Senator Hill called up for consideration House File 304 upon which action was deferred before the noon recess.

Senator Hill moved that the reading previously had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 42.

Aschenbrenner	Hicklin	Meyer	Shangle
Baldwin	Hill	Miller of	Stanley
Bennett	Hopkins	Buchanan	Stevens of
Booth	Hush	Miller of Jones	Decatur
Calhoun	Husted	Moore	Stevens of
Carden	Irwin	Mullaney	Wapello
Chrystal	Kimberly	Nelson	Topping
Coykendall	Klemme	Patterson	Tripp
Doze	Knudson	Pendray	Valentine
Fisch	Leo	Reese	Wenner
Frailey	McArthur	Schmidt	Wilson
Geske			

Nays, none.

Absent or not voting, 8.

Anderson	Beatty	Elthon	Ritchie
Beardsley	Byers	Harrington	Roelofs

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hill moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled Senate Files 249, 258, 261, 276, 278, 279, 287, 288, 289, 290, 291, 292, 296, 303, 304, 305, 306, 307, 309, 310 and 314.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate Files 249, 258, 261, 276, 278, 279, 287, 288, 289, 290, 291, 292, 296, 303, 304, 305, 306, 307, 309, 310 and 314.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 5th day of March, 1934, sent to the Governor for his approval, Senate Files 249, 258, 261, 276, 278, 279, 287, 288, 289, 290, 291, 292, 296, 303, 304, 305, 306, 307, 309, 310 and 314.

HOMER HUSH, *Chairman*

Passed on file.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that he had signed the following bills:

On March 1st, Senate File 233, an act to provide for the appointment of a conservator for a drainage and levee district, with pumping stations in default to holders of bonds issued by such districts in default.

On March 2nd:

Senate File 273, an act to require the board of supervisors and members thereof to close against vehicular travel, all secondary roads which may be formally vacated or affirmatively abandoned by said board.

Senate File 108, an act relating to the sale of beer, and to prohibit the sale of beer after July 1st, 1934, unless sixty-six and two-thirds per cent or more of the grain used in its manufacture consists of barley malt.

Senate File 321, an act relating to exemption of property from taxation.

Senate File 252, an act relating to the charges to be paid by the owners of grain at the time of the sealing of the warehouse.

SPECIAL ORDER HOUSE FILE 336 CONSIDERED

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate except Senators Anderson, Harrington and Roelofs.

Senator Harrington was excused indefinitely at a previous time.

Senators Anderson and Roelofs were excused temporarily until a vote.

President pro tempore Harold L. Irwin was called to the chair at 2:07 p. m.

On motion of Senator Frailey, House File 336, a bill for an act to repeal Chapter thirty-eight (38), Acts of the forty-fifth General Assembly and to amend Chapter thirty-seven (37), Acts of the forty-fifth General Assembly relating to the manufacture, sale and distribution of beer; defining beer; providing for the regulation of the manufacture, sale and distribution of beer; providing revenue for the State of Iowa and certain of its municipal subdivisions, including cities and towns under special charter, by taxation of and from permits to manufacture and/or sell beer and providing for issuance of permits therefore and by providing penalties for the violation of the provisions hereof, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senators Anderson and Roelofs appeared in the Senate chamber and the call was declared complete.

Senator Frailey called up for consideration the amendments filed by the liquor control committee.

Senator Frailey moved the adoption of the following amendment:

1. Amend the title by inserting after the word "to" in line 1 thereof the following:

"amend sections nineteen hundred and twenty-three (1923), twenty hundred seventy-two (2072), twenty-one hundred thirty (2130) and twenty-one hundred thirty-six (2136) of the code of Iowa, 1931, all relating to intoxicating liquors, and to".

The amendment was adopted.

Senator Frailey moved the adoption of the following amendment:

2. Amend by inserting as Section 1 the following:

"Section 1. That section one thousand nine hundred twenty-three (1923) of the code of Iowa, 1931, be and the same is hereby amended by striking the period after the word 'whatever' in line six (6) thereof and inserting in lieu thereof the following:

"provided, however, that the words 'liquor' or 'intoxicating liquor' wherever used in title six of the code of Iowa, 1931, shall not be construed to include beer, ale, porter, stout, or any other malt liquor containing not more than four per centum (4%) of alcohol by weight."

The amendment was adopted.

Senator Frailey moved the adoption of the three following amendments:

3. Amend by inserting as Section 2 the following:

"Sec. 2. That section twenty hundred seventy-two (2072) of the code of Iowa, 1931, is hereby amended by striking out the words 'except malt liquors' appearing in the fourth (4th) line thereof."

4. Amend by inserting as Section 3 the following:

"Sec. 3. That section twenty-one hundred thirty (2130) of the code of Iowa, 1931, is hereby amended by striking out the words 'not including malt liquors' appearing in the fifth (5th) line thereof."

5. Amend by inserting as Section 4 the following:

"Sec. 4. That section twenty-one hundred thirty-six (2136) of the code of Iowa, 1931, is hereby amended by striking out all of the last paragraph of subsection twelve (12) thereof."

The amendments were adopted.

Senator Frailey moved the adoption of the following amendment:

6. Amend Section 2, subsection i, by adding the following paragraph:

"No beer shall be sold in this state after July 1, 1934, unless made from sixty-six and two-thirds per cent (66 2/3%) or more of barley malt."

The amendment was adopted.

Senator Frailey moved the adoption of the following amendment:

7. Amend Section 21 by inserting after the period in line 9 thereof the following:

"For a golf or country club, as defined in section fifteen (15), subsection a, the license may be granted for a period of six months, for which the license fee shall be fifty dollars (\$50.00)."

The amendment was adopted.

Senator Frailey moved the adoption of the following amendment:

8. Amend Section 23 by striking from line 10 the words "and the date and amount of each purchase" and inserting in lieu thereof the following:

"and such other information as the treasurer of state may require".

The amendment was adopted.

Senator Frailey moved the adoption of the following amendment:

9. Amend by striking Section 30 and inserting in lieu thereof the following:

"The revenues obtained from permit fees and the barrel tax collected under the provisions of this act shall be distributed as follows:

a. In all counties in which there is a city having a population of more than ten thousand (10,000), permit fees collected under the provisions of this act by any municipality shall be retained by such municipality and allocated to its general fund; in all other counties fifty per cent of the permit fees collected under the provisions of this act by any municipality shall be retained by it and allocated to its general fund, and fifty per cent shall be paid to the county treasurer and accrue to the general fund of such county.

b. All license fees and taxes collected by the treasurer of state of the state of Iowa shall accrue to the state sinking fund for public deposits as created in chapter three hundred fifty-two-A one (352-A1) of the 1931 code of Iowa."

The amendment was adopted.

Senator Frailey moved the adoption of the following amendment:

10. Amend Section 36 by inserting after the word "to" in line 4 thereof the following:

"amend sections nineteen hundred and twenty-three (1923), twenty hundred seventy-two (2072), twenty-one hundred thirty (2130) and twenty-one hundred thirty-six (2136) of the code of Iowa, 1931, all relating to intoxicating liquors, and to".

The amendment was adopted.

Senator Frailey moved the adoption of the following amendment:

11. Further amend by renumbering all sections and subsections thereof to conform to the foregoing amendments.

The amendment was adopted.

Senator Frailey offered the following amendments and moved their adoption:

Amend by inserting after the word "manufacture" in line 2 of Section 1 the words "for sale".

Further amend by striking from lines 4 and 5 of Section 20 the words "on the premises or" and inserting in lieu thereof the words "used in the storage, handling, serving or dispensing of beer or food within the".

The amendments were adopted.

Senator Frailey offered the following amendment and moved its adoption:

Amend section 30, subsection (a), line 1, by striking the word "feel" and inserting in lieu thereof the word "fees".

The amendment was adopted.

Action was temporarily deferred.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House insists on its amendments to Senate File No. 95, a bill for an act relating to salaries of deputy county officials.

The House requests a conference committee and the Speaker of the House has named the following as House members: Brady of Pottawattamie, Hanson of Lyon, Mercer of Johnson and Fuelling of Clayton.

VIRGIL LEKIN, *Chief Clerk.*

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled House File 350.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President pro tempore of the Senate announced that, as President pro tempore of the Senate, he had signed in the presence of the Senate, House File 350.

HOUSE FILE 336 RESUMED

Senator Schmidt offered the following amendment and moved its adoption:

1. Amend Section eight (8), subsection one (1), division f, line nineteen (19), by striking out the comma (,) and these words: "and is not within two hundred (200) feet of a building used for school purposes".

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 19.

Anderson
Baldwin
Byers
Chrystal
Fisch
Frailey

Geske
Hicklin
Irwin
Kimberly
Meyer

Miller of
Buchanan
Miller of Jones
Mullaney
Reese

Roelofs
Stevens of
Decatur
Topping
Valentine

Nays, 30.

Aschenbrenner	Doze	Leo	Shangle
Beardsley	Elthon	McArthur	Stanley
Beatty	Hill	Moore	Stevens of
Bennett	Hopkins	Nelson	Wapello
Booth	Hush	Patterson	Tripp
Calhoun	Husted	Pendray	Wenner
Carden	Klemme	Ritchie	Wilson
Coykendall	Knudson	Schmidt	

Absent or not voting, 1.

Harrington

The amendment was lost.

Senator Schmidt offered the following amendment and moved its adoption:

Amend by striking out Section twenty-eight (28) and renumbering the remaining sections accordingly.

Senator Tripp, as a substitute, offered the following amendment and moved its adoption:

Amend by striking Sec. 28, and substituting in lieu thereof the following:

"Sec. 28. All outdoor advertising about or concerning any beer permitted to be manufactured and sold under the provisions of this act shall be of a standardized character and no person within the state shall publish or display any outdoor advertising about or concerning such beer without first having obtained the written approval of such plan or form of advertising from the executive council of the state of Iowa."

By unanimous consent, on request of Senator Moore, his amendment as found on page 1239 of the Senate journal was withdrawn.

Roll call was demanded.

On the question "Shall the substitution be made?" the vote was:

Ayes, 15.

Beardsley	Elthon	Leo	Pendray
Beatty	Hopkins	McArthur	Stanley
Booth	Hush	Nelson	Tripp
Calhoun	Husted	Patterson	

Nays, 30.

Anderson	Geske	Miller of	Shangle
Aschenbrenner	Hicklin	Buchanan	Stevens of
Baldwin	Hill	Miller of Jones	Decatur
Bennett	Irwin	Moore	Stevens of
Byers	Kimberly	Mullaney	Wapello
Chrystal	Klemme	Reese	Topping
Doze	Knudson	Roelofs	Wenner
Fisch	Meyer	Schmidt	Wilson
Frailey			

Absent or not voting, 5.

Carden	Harrington	Ritchie	Valentine
Coykendall			

The substitution was lost.

Roll call was demanded on the Schmidt amendment.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 29.

Anderson	Frailey	Miller of	Stevens of
Aschenbrenner	Geske	Buchanan	Decatur
Baldwin	Hicklin	Miller of Jones	Stevens of
Bennett	Irwin	Moore	Wapello
Byers	Kimberly	Mullaney	Topping
Chrystal	Klemme	Reese	Valentine
Doze	Knudson	Roelofs	Wenner
Fisch	Meyer	Schmidt	Wilson

Nays, 16.

Beardsley	Elthon	Husted	Pendray
Booth	Hill	McArthur	Ritchie
Calhoun	Hopkins	Nelson	Shangle
Carden	Hush	Patterson	Stanley

Absent or not voting, 5.

Beatty	Harrington	Leo	Tripp
Coykendall			

The amendment was adopted.

Senator Byers offered the following amendment and moved its adoption:

Amend Section 33 by striking the first ten lines to and including the period following the word "weight" and inserting in lieu thereof the following: "All bottles, kegs, barrels or other containers in which beer is sold in this State shall bear a label on the outside thereof, showing that the alcoholic content of such beer does not exceed four per centum by weight."

President N. G. Kraschel returned to the chair at 3:40 p. m.

Roll call was demanded on the amendment.

Rule 8 was invoked.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 24.

Aschenbrenner	Byers	Elthon	Hicklin
Bennett	Chrystal	Fisch	Hill
Booth	Doze	Frailey	Klemme

Miller of Jones	Roelofs	Stevens of	Valentine
Patterson	Schmidt	Wapello	Wenner
Reese	Stanley	Topping	Wilson
Ritchie			

Nays, 25.

Anderson	Geske	Leo	Nelson
Baldwin	Hopkins	McArthur	Pendray
Beardsley	Hush	Meyer	Shangle
Beatty	Husted	Miller of	Stevens of
Calhoun	Irwin	Buchanan	Decatur
Carden	Kimberly	Moore	Tripp
Coykendall	Knudson	Mullaney	

Absent or not voting, 1.

Harrington

The amendment was lost.

Senator Shangle moved to reconsider the vote by which the Schmidt amendment to section 8 failed to be adopted.

Roll call was demanded.

On the question "Shall the motion prevail?" the vote was:

Ayes, 39.

Anderson	Fisch	Miller of	Stanley
Aschenbrenner	Frailey	Buchanan	Stevens of
Baldwin	Geske	Miller of Jones	Decatur
Beardsley	Hicklin	Moore	Stevens of
Bennett	Hill	Mullaney	Wapello
Booth	Hush	Patterson	Topping
Byers	Irwin	Reese	Tripp
Carden	Kimberly	Roelofs	Valentine
Chrystal	Klemme	Schmidt	Wenner
Coykendall	Knudson	Shangle	Wilson
Doze	Meyer		

Nays, 4.

Hopkins	Husted	Leo	Ritchie
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Absent or not voting, 7.

Beatty	Elthon	McArthur	Pendray
Calhoun	Harrington	Nelson	

The motion to reconsider prevailed.

Senator Shangle moved that the Senate adjourn until 10:00 a. m. Tuesday.

The motion was lost.

Senator Frailey offered the following amendments and moved their adoption:

1. Amend the title of House File 336 by striking the word "therefore"

where it appears following the word "permits" and inserting in lieu thereof the word "therefor".

2. Amend section two (2) by capitalizing the words defined in subsections b to i, inclusive.

3. Amend section seven (7), line thirteen (13), by striking the word "leasee" and inserting in lieu thereof the word "lessee".

4. Amend section eight (8), line fourteen (14), by striking the word "leasee" and inserting in lieu thereof the word "lessee".

5. Amend section nine (9), line fourteen (14), by striking the word "leasee" and inserting in lieu thereof the word "lessee".

6. Amend section twenty-four (24), by striking the words "books of accounts", wherever the same appear in said section, and inserting in lieu thereof the words "books of account".

7. Amend section thirty (30), line fifteen (15), by striking the words "That the" and inserting in lieu thereof the word "The".

The amendments were adopted.

Senator Frailey moved that action on House File 336 be deferred until Tuesday at 10:00 a. m.

The motion prevailed.

By unanimous consent, on request of Senator Patterson, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File 326, by committee on tax revision and reorganization, a bill for an act to amend House File 1, Acts of the Forty-fifth General Assembly, in extraordinary session, and approved by the governor on the first day of March, 1934, and now on file in the office of the secretary of state, relating to taxation and to exempt certain associations from the provisions of said act imposing a business tax on corporations.

Read first and second times and referred to sifting committee.

The journal of March 3d was corrected and approved.

AMENDMENTS FILED

Amend House File 336, Section 11, by inserting a period (.) after the word "food" in line 11, and by striking all of the remainder of the section.
D. MYRON TRIPP.

Amend House File 336, Section 4, by striking the words after the comma in line 11, "outside the limits of cities and incorporated towns."
D. MYRON TRIPP.

Amend House File 336, section eight (8), subsection one (1), division f, as follows: Add after the period at the end of said subsection, the following sentence:

“Provided, however, such area limitation shall not apply to permits in force on March 5, 1934, nor to renewals or transfers thereof, nor to permits in places located within areas now or hereafter zoned as business districts.”

EDW. J. WENNER.

GEO. A. WILSON.

On motion of Senator Knudson the Senate adjourned until 10:00 a. m. Tuesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 6, 1934.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Rev. John R. Richey, pastor of the Church of the Open Bible of Des Moines.

SENATE CONCURRENT RESOLUTION 14 CONSIDERED

Senator Calhoun called up for consideration Senate Resolution 14, as follows, and moved its adoption:

Be It Resolved by the Senate, the House of Representatives concurring,
That the Forty-fifth General Assembly in Extraordinary Session adjourn, sine die, at 12 o'clock noon, Saturday, March 10, 1934.

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate except Senators Aschenbrenner, Harrington and Stevens of Decatur.

President N. G. Kraschel took the chair at 10:20 a. m.

Senator Harrington was previously excused.

Senator Calhoun asked unanimous consent to have Senators Aschenbrenner and Stevens of Decatur excused from the call with reference to the adjournment resolution.

Objection was raised.

Senator Calhoun moved that Senators Aschenbrenner and Stevens of Decatur be excused from the call with reference to the resolution.

Roll call was demanded.

On the question "Shall the motion prevail?" the vote was:

Ayes, 25.

Beardsley	Elthon	Husted	Patterson
Beatty	Frailey	Irwin	Pendray
Bennett	Hicklin	Kimberly	Ritchie
Booth	Hill	Klemme	Stanley
Byers	Hopkins	Leo	Wenner
Calhoun	Hush	Nelson	Wilson
Carden			

Nays, 22.

Anderson	Geske	Miller of Jones	Shangle
Baldwin	Knudson	Moore	Stevens of
Chrystal	McArthur	Mullaney	Wapello
Coykendall	Meyer	Reese	Topping
Doze	Miller of	Roelofs	Tripp
Fisch	Buchanan	Schmidt	Valentine

Absent or not voting, 3.

Aschenbrenner	Harrington	Stevens of
		Decatur

The motion, not having received a two-thirds majority vote, was lost.

Senator Calhoun moved that the call be raised and Senator Stevens of Decatur be excused temporarily.

Senator Wilson raised the point of order that the resolution was a matter of unfinished business and had to be concluded unless the rules were suspended by a two-thirds vote of the Senate.

The President held the point well taken; that a two-thirds vote was necessary to change the rules and lift the call on this subject matter.

Senator Patterson moved that Senator Stevens of Decatur be excused from the call with regard to the resolution.

Senator Hill, as a substitute, moved that the call be now raised.

Roll call was demanded.

On the question "Shall the substitution be made?" the vote was:

Ayes, 37.

Beardsley	Geske	Leo	Pendray
Beatty	Hicklin	McArthur	Reese
Bennett	Hill	Meyer	Ritchie
Booth	Hopkins	Miller of	Roelofs
Byers	Hush	Buchanan	Stanley
Calhoun	Husted	Miller of Jones	Topping
Carden	Irwin	Mullaney	Valentine
Elthon	Kimberly	Nelson	Wenner
Fisch	Klemme	Patterson	Wilson
Frailey	Knudson		

Nays, 10.

Anderson	Coykendall	Schmidt	Stevens of
Baldwin	Doze	Shangle	Wapello
Chrystal	Moore		Tripp

Absent or not voting 3.

Aschenbrenner	Harrington	Stevens of Decatur
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The substitution was made.

Senator Hicklin moved to amend the substituted motion by adding thereto the following: “, as to the resolution of adjournment.”

Roll call was demanded on the amendment to the motion.

On the question “Shall the amendment to the motion be adopted?” the vote was:

Ayes, 38.

Anderson	Elthon	Klemme	Ritchie
Baldwin	Fisch	Leo	Roelofs
Beardsley	Frailey	Miller of	Shangle
Bennett	Geske	Buchanan	Stanley
Booth	Hicklin	Miller of Jones	Stevens of
Byers	Hill	Mullaney	Wapello
Calhoun	Hopkins	Nelson	Topping
Carden	Hush	Patterson	Tripp
Coykendall	Husted	Pendray	Wenner
Doze	Irwin	Reese	Wilson

Nays, none.

Absent or not voting, 12.

Aschenbrenner	Kimberly	Meyer	Stevens of
Beatty	Knudson	Moore	Decatur
Chrystal	McArthur	Schmidt	Valentine
Harrington			

The amendment to the motion was adopted. The motion as amended was adopted and the call was raised as to the resolution of adjournment.

Senator Valentine offered the following amendment to the adjournment resolution and moved its adoption:

Amend by striking the following in line 3 thereof, to wit: “Saturday, March 10th, 1934”, and substituting in lieu thereof, “Wednesday, March 14th, 1934”.

Senator Patterson moved the previous question on the amendment and the main resolution, which motion prevailed.

Roll call was demanded on the amendment to the resolution.

On the question “Shall the amendment be adopted?” the vote was:

Ayes, 24.

Anderson	Irwin	Miller of Jones	Shangle
Baldwin	Kimberly	Moore	Stevens of
Chrystal	Knudson	Mullaney	Wapello
Doze	McArthur	Reese	Topping
Frailey	Meyer	Roelofs	Tripp
Geske	Miller of	Schmidt	Valentine
Hicklin	Buchanan		

Nays, 20.

Beardsley	Calhoun	Husted	Pendray
Beatty	Carden	Klemme	Ritchie
Bennett	Hill	Leo	Stanley
Booth	Hopkins	Nelson	Wenner
Byers	Hush	Patterson	Wilson

Absent or not voting, 6.

Aschenbrenner	Elthon	Harrington	Stevens of
Coykendall	Fisch		Decatur

The amendment was adopted.

Roll call was demanded on the resolution.

Rule 8 was invoked.

On the question "Shall the resolution as amended be adopted?"
the vote was:

Ayes, 47.

Anderson	Fisch	Leo	Ritchie
Baldwin	Frailey	McArthur	Roelofs
Beardsley	Geske	Meyer	Schmidt
Beatty	Hicklin	Miller of	Shangle
Bennett	Hill	Buchanan	Stanley
Booth	Hopkins	Miller of Jones	Stevens of
Byers	Hush	Moore	Wapello
Calhoun	Husted	Mullaney	Topping
Carden	Irwin	Nelson	Tripp
Chrystal	Kimberly	Patterson	Valentine
Coykendall	Klemme	Pendray	Wenner
Doze	Knudson	Reese	Wilson
Elthon			

Nays, none.

Absent or not voting, 3.

Aschenbrenner	Harrington	Stevens of
		Decatur

The resolution as amended was adopted.

Senator Wilson moved that the vote by which the resolution passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

MOTION BY SENATOR HILL

Senator Hill moved that after Wednesday, March 7th, the Senate consider no bills excepting appropriation bills, unfinished business, and bills that have passed the House.

Senator Frailey raised the point of order that the special order on House File 336 was set for 10:00 a. m. and the time was past due, therefore the Hill motion was out of order.

The President held the point of order well taken.

HOUSE FILE 336 RESUMED

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate except Senators Aschenbrenner, Harrington and Stevens of Decatur.

Senator Harrington was excused previously, for an indefinite time.

On motion of Senator Frailey, Senator Stevens of Decatur was excused for the day and Senator Aschenbrenner was excused for the forenoon.

Senator Baldwin moved to reconsider the vote by which the Byers amendment failed to pass the Senate, as found on page 1343 of the Senate journal.

On the question "Shall the motion to reconsider prevail?" the vote was:

Ayes, 42.

Anderson	Doze	Klemme	Ritchie
Baldwin	Elthon	Knudson	Roelofs
Beardsley	Fisch	Leo	Schmidt
Beatty	Frailey	McArthur	Shangle
Bennett	Geske	Meyer	Stanley
Booth	Hicklin	Miller of	Stevens of
Byers	Hill	Buchanan	Wapello
Calhoun	Hush	Moore	Topping
Carden	Husted	Mullaney	Tripp
Chrystal	Irwin	Patterson	Wenner
Coykendall	Kimberly	Reese	Wilson

Nays, 1.

Hopkins

Absent or not voting, 7.

Aschenbrenner	Miller of Jones	Pendray	Valentine
Harrington	Nelson	Stevens of	
		Decatur	

The motion to reconsider prevailed.

By unanimous consent, on request of Senator Byers, his amendment as found on page 1343 of the Senate journal, was withdrawn from further consideration.

Senator Baldwin offered the following amendment and moved its adoption:

Amend by striking Section 33 and inserting in lieu thereof the following: "Sec. 33. All bottles, kegs, barrels or other containers in which beer is sold in this state shall bear a label on the outside thereof stating as follows: 'This beer does not contain more than four per centum (4%) of alcohol by weight.' The label on any bottle, keg, barrel or other container, in which beer is offered for sale in this state, representing the alcoholic content of such beer as being in excess of four per centum (4%) by weight shall be conclusive evidence as to the alcoholic content of the beer contained therein."

Senator Baldwin offered the following amendment to the amendment and moved its adoption:

Amend by inserting in line 3 after the word "other" the word "original".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senators Wenner and Wilson offered the following amendment and moved its adoption:

Amend section eight (8), subsection one (1), division f, as follows: Add after the period at the end of said subsection, the following sentence:

"Provided, however, such area limitation shall not apply to permits in force on March 5, 1934, nor to renewals or transfers thereof, nor to permits in places located within areas now or hereafter zoned as business districts."

The amendment was adopted.

Senator Tripp offered the following amendment and moved its adoption:

Amend Section 4 by striking the words after the comma in line 11, "outside the limits of cities and incorporated towns".

The amendment was adopted.

Senator Tripp offered the following amendment and moved its adoption:

Amend Section 11 by inserting a period (.) after the word "food" in line 11, and by striking all of the remainder of the section.

The amendment was lost.

Senator Frailey offered the following amendment and moved its adoption :

Amend Section 32, line 2, by inserting after the word "manufactures" the words "for sale".

The amendment was adopted.

Action was temporarily deferred.

MESSAGES FROM THE HOUSE

The following messages were received from the House :

MR. PRESIDENT: I am directed to inform your honorable body that the House has refused to concur in Senate amendments to the following bill in which the concurrence of the House was asked :

House File 304, a bill for an act relating to the levy to pay interest and principal on lawful bonded indebtedness.

Also: That the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked :

House File 313, a bill for an act pertaining to investments of building and loan associations and to authorize such associations to accept bonds of Home Owner's Loan Corporation in payment or exchange for notes and mortgages.

VIRGIL LEKIN, *Chief Clerk.*

CONFERENCE COMMITTEE ON SENATE FILE 95

The President announced as the members of the Senate conference committee on Senate File 95, Senators Hopkins, Husted, Irwin and Fisch.

On motion of Senator Shangle, the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

HOUSE FILE 336 RESUMED

Under the call, roll call revealed the presence of all members of the Senate except Senators Aschenbrenner, Chrystal, Harrington and Stevens of Decatur.

Senators Aschenbrenner and Stevens of Decatur were excused temporarily this morning.

Senator Harrington was excused indefinitely at a previous time.

Senators Byers and Wilson offered the following amendment and moved its adoption :

Amend by striking the period in line 9 of section 4 and inserting a comma after the word "stated" in said line 9 and by adding thereafter the following: "or for permitting their place of business to be conducted in a disorderly manner."

Senators Chrystal and Aschenbrenner appeared in the Senate chamber.

Senator Byers offered the following amendment to the amendment and moved its adoption:

Amend by striking all after the word "following:" and inserting in lieu thereof the words "or in the event the place of business of the permit holder is conducted in a disorderly manner."

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Tripp offered the following amendment and moved its adoption:

Amend section 4 by striking the period after the word "provided" in line 10 and inserting in lieu thereof the following: ", or in the event the place of business of the permit holder is conducted in a disorderly manner."

The amendment was adopted.

Senator Frailey offered the following amendments and moved their adoption:

Amend Section 21 by striking from line 22 thereof the figure "13" and inserting in lieu thereof the following: "seventeen (17)".

Amend Section 29 by striking from lines 5 and 6 thereof the following words, figures and punctuation "twenty-two (22)" and inserting in lieu thereof the following: "twenty-six (26)"; also by striking from line 9 thereof the figure "13" and inserting in lieu thereof the following: "seventeen (17)".

The amendments were adopted.

THIRD READING OF BILLS

Senator Hicklin moved the previous question on the bill, which motion prevailed.

The bill was read for information.

Senator Frailey moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 30.

Anderson	Frailey	Miller of	Shangle
Aschenbrenner	Geske	Buchanan	Stevens of
Baldwin	Hicklin	Miller of Jones	Wapello
Bennett	Irwin	Moore	Topping
Byers	Kimberly	Mullaney	Tripp
Chrystal	Klemme	Reese	Valentine
Doze	Knudson	Roelofs	Wenner
Fisch	Meyer	Schmidt	Wilson

Nays, 18.

Beardsley	Coykendall	Husted	Patterson
Beatty	Elthon	Leo	Pendray
Booth	Hill	McArthur	Ritchie
Calhoun	Hopkins	Nelson	Stanley
Carden	Hush		

Absent or not voting, 2.

Harrington	Stevens of Decatur
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Frailey moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

COPIES HOUSE FILE 336 ORDERED

By unanimous consent, on request of Senator Frailey, 600 extra copies of House File 336, as passed by the Senate, were ordered printed.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Hicklin House File 349, a bill for an act to amend section fifty-two hundred twenty (5220), Code, 1931, as amended by chapter ninety-one (91), Acts of the 45th General Assembly, relating to the salaries of county auditors in certain counties; and section fifty-two hundred twenty-two (5222), Code, 1931, as amended by chapter ninety-two (92), Acts of the 45th General Assembly, relating to the salaries of county treasurers in certain counties, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Hicklin moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Anderson	Elthon	Knudson	Nelson
Aschenbrenner	Frailey	Leo	Patterson
Baldwin	Geske	McArthur	Reese
Beatty	Hicklin	Meyer	Roelofs
Bennett	Hill	Miller of	Stanley
Byers	Hopkins	Buchanan	Topping
Carden	Hush	Miller of Jones	Tripp
Chrystal	Irwin	Moore	Wenner
Coykendall	Kimberly	Mullaney	Wilson
Doze	Klemme		

Nays, 5.

Booth	Pendray	Ritchie	Shangle
Fisch			

Absent or not voting, 8.

Beardsley	Husted	Stevens of	Stevens of
Calhoun	Schmidt	Decatur	Wapello
Harrington			Valentine

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hicklin moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

Senator Coykendall moved that House File 43 be called from the sifting committee and placed on the calendar.

Senator Wilson raised the point of order that the Senate had acted adversely on the same motion previously, and the motion was out of order.

The President took the motion under advisement as there were several requests for bills pending.

SENATE INSISTS ON AMENDMENTS TO HOUSE FILE 304

By unanimous consent, on request of Senator Hill, the rules were suspended and House File 304 was taken up and considered.

Senator Hill moved that the Senate insist on its amendments to House File 304.

On the question "Shall the motion to insist prevail?" the vote was:

Ayes, 42.

Anderson	Beardsley	Booth	Carden
Aschenbrenner	Beatty	Byers	Chrystal
Baldwin	Bennett	Calhoun	Coykendall

Doze	Husted	Miller of	Shangle
Elthon	Irwin	Buchanan	Stanley
Fisch	Kimberly	Miller of Jones	Stevens of
Geske	Klemme	Moore	Wapello
Hicklin	Knudson	Mullaney	Topping
Hill	Leo	Patterson	Tripp
Hopkins	McArthur	Pendray	Wenner
Hush	Meyer	Reese	Wilson

Nays, none.

Absent or not voting, 8.

Frailey	Nelson	Roelofs	Stevens of
Harrington	Ritchie	Schmidt	Decatur
			Valentine

The motion prevailed and the Senate insisted on its amendments to House File 304.

CONFERENCE COMMITTEE ON HOUSE FILE 304

The President appointed as the Senate conference committee on House File 304, Senators Hill, Stanley, Beatty and Beardsley.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Wilson House File 334, a bill for an act to amend chapter one hundred eleven (111) of the Acts of the Forty-fifth General Assembly of Iowa relating to establishing and financing of sewage and garbage works by cities and towns, returned by the sifting committee, was taken up and considered.

The bill was read for information.

By unanimous consent, on request of Senator Irwin, his amendment, as found on page 1310 of the Senate journal, was withdrawn.

By unanimous consent, on request of Senator Baldwin, his amendment as found on pages 1323-1324 of the Senate journal, was withdrawn.

Senator Baldwin offered the following amendments and moved their adoption:

Amend Section one (1) by striking the word "seven" in line three (3) and inserting in lieu thereof the word "four"; by striking the figure "7"

in line four (4) and inserting in lieu thereof the figure "4"; by striking the word "and" in line five (5); by striking the comma after the word "courses" in line five (5) and inserting in lieu thereof the word "and".

Further amend section one (1) by inserting in line four (4) following the comma after the word "docks" the word "or"; also, by inserting after the comma following the word "piers" the following:

"when the same are authorized by a majority of voters after the proposition for such project shall have been submitted to an election to be called and conducted as required by the statutes regulating elections relating to the authorization and issuance of bonds by cities and towns for similar purposes, provided however, no election shall be necessary unless demanded by a petition signed by fifteen per cent of the voters at the last preceding municipal election filed within sixty days following the publication of an ordinance adopted for the issuance of such bonds, and".

Amend section two (2) by striking the word "sewage" in line three (3) and inserting in lieu thereof the word "of"; by striking the word and figure three (3) in line three (3) and inserting in lieu thereof the word "two" and the figure "2"; by striking the word "and" from line four (4) and by adding after the word "courses" in line five (5) the words "and of".

The amendments were adopted.

Senator Wilson moved that the reading previously had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 43.

Aschenbrenner	Frailey	Leo	Roelofs
Baldwin	Geske	McArthur	Schmidt
Beatty	Hicklin	Meyer	Shangle
Bennett	Hill	Miller of	Stanley
Booth	Hopkins	Buchanan	Stevens of
Byers	Hush	Miller of Jones	Wapello
Carden	Husted	Moore	Topping
Chrystal	Irwin	Mullaney	Tripp
Coykendall	Kimberly	Patterson	Valentine
Doze	Klemme	Pendray	Wenner
Elthon	Knudson	Ritchie	Wilson
Fisch			

Nays, none.

Absent or not voting, 7.

Anderson	Calhoun	Nelson	Stevens of
Beardsley	Harrington	Reese	Decatur

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Wilson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

HILL MOTION CONSIDERED

Senator Hill renewed his motion as follows :

MR. PRESIDENT: I move that after Wednesday, March 7th, the Senate consider no bills excepting appropriations bills, unfinished business, and bills that have passed the House.

Senator Wilson moved, as a substitute, that no bill be withdrawn from the sifting committee except by a two-thirds vote of the Senate.

The substitution was made.

Roll call was demanded on the substitute motion.

On the question "Shall the substitute motion prevail?" the vote was :

Ayes, 31.

Anderson	Hill	Miller of	Shangle
Aschenbrenner	Hopkins	Buchanan	Stanley
Booth	Irwin	Moore	Stevens of
Byers	Kimberly	Mullaney	Wapello
Carden	Klemme	Patterson	Topping
Doze	Knudson	Ritchie	Valentine
Frailey	Leo	Roelofs	Wenner
Geske	Meyer	Schmidt	Wilson
Hicklin			

Nays, 6.

Beardsley	Coykendall	Husted	Pendray
Chrystal	Hush		

Absent or not voting, 13.

Baldwin	Elthon	Miller of Jones	Stevens of
Beatty	Fisch	Nelson	Decatur
Bennett	Harrington	Reese	Tripp
Calhoun	McArthur		

The substitute motion prevailed.

THIRD READING OF BILLS

On motion of Senators Valentine, Beatty, Beardsley, Shangle, Aschenbrenner, Reese, Stevens of Wapello, Stevens of Decatur, Wilson, Nelson, Calhoun, Doze and Coykendall, Senate File 66, a bill for an act to amend section eleven hundred, seventy one-b1 (1171-b1) of the code, 1931, relating to preference for coal and other domestic products, materials, supplies, provisions and other articles, and providing for the purchase and use thereof by the state and certain municipal corporations or political subdivisions thereof, and providing penalties for failing to give such preference

in the purchase and use of domestic coal for fuel; and to repeal section eleven hundred, seventy one-b2 (1171-b2) of the code, 1931, and to enact a substitute therefor, relating to advertising for bids and proposals for materials, coal and other domestic products, supplies, provisions, and other articles to be purchased at public expense, and relating to the rejection and acceptance of bids for domestic coal for fuel, and providing for contract and bond on acceptance of any such bids for coal for fuel, returned by the sifting committee, was taken up and considered.

The bill was read for information.

By unanimous consent, on request of Senator Topping, his amendment, as found on page 1253 of the Senate journal, was withdrawn.

Senator Valentine offered the following amendments and moved their adoption:

1. Amend by inserting after the comma following the figures "1931" in line 2 of section 1 the following, "as amended by Senate file 168, Acts of the Forty-fifth General Assembly in Extraordinary Session,".

2. Amend by inserting after the comma following the figures "1931" in line 2 of section 2 the following, "as amended by Senate file 168, Acts of the Forty-fifth General Assembly in Extraordinary Session,".

3. Amend by striking lines 24, 25, 26 and 27 of section 2 thereof and substituting in lieu thereof the following "By virtue of statutory authority, a preference will be given to products and provisions grown and coal produced within the state of Iowa."

The amendments were adopted.

Senator Wenner offered the following amendments and moved their adoption:

Amend by striking from lines thirteen (13) and fourteen (14) of Section one (1) the following: "and is of a quality reasonably suited for the purpose or purposes intended" and inserting in lieu thereof the following: "and is of a quality best suited for the plant or purpose intended".

Further amend Section one (1) by striking from lines fifteen (15) and sixteen (16) the following: "on a commercial heating basis" and inserting in lieu thereof the following: ", heating value or evaporation value considered,".

Further amend Section one (1) by adding after the word "cost" in line sixteen (16) the following: ", heating value or evaporation value considered,".

Further amend by striking all of Section two (2).

The amendments were lost.

Senator Valentine offered the following amendment and moved its adoption:

Amend by inserting after the word "dollars" in line 10 of Section 2 thereof, the following: "for any one year".

The amendment was lost.

Senator Valentine moved that action be deferred until 10:00 a. m. Wednesday, and be made a special order at that time.

The motion prevailed.

Senator Kimberly moved that the Senate resolve itself into executive session.

The motion prevailed.

The Senate arose from executive session and resumed regular session.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled House File 292.

HOMER HUSH, *Chairman Senate Committee.*

WM. KOCH, *Chairman House Committee*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House File 292.

REPORT OF COMMITTEE

Senator Leo submitted the following report:

MR. PRESIDENT: Your committee on appropriations, to which was referred House File 346, a bill for an act to make an appropriation of twenty-nine dollars and ninety-eight cents (\$29.98) to Dr. E. E. Munger, Spencer, Iowa, for his expenses as a member of the committee appointed under authority of House Joint Resolution Number Seven (7) of the Forty-fifth General Assembly for preparation of minority report of the State University Hospital, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

SENATE CONCURRENT RESOLUTION 15

Be It Resolved by the Senate, the House concurring, That the Secretary of the Senate and the Chief Clerk of the House be required to remain at the Capitol and perform their respective duties for so long a time as may be necessary following the final adjournment of the Forty-fifth General Assembly, in extraordinary session, and that they be authorized to select such of their respective assistants as may be necessary for such time as may be required for the purpose of correcting and certifying the records of the session and otherwise closing up the business of their respective offices, and also for the packing of the supplies of members for shipment to their homes.

The Secretary of the Senate and the Chief Clerk of the House are hereby authorized to correct the Journals of the Senate and House, respectively, for the last day of the session.

Each of said officers and employees shall receive the same compensation per day for such extra service performed as they now receive, to be paid upon certification by the President and Secretary of the Senate, and the Speaker and Chief Clerk of the House.

CHRIS REESE.

Passed on file.

REPORT OF CONFERENCE COMMITTEE ON SENATE FILE 95

MR. PRESIDENT AND MR. SPEAKER: We the undersigned members of the Conference Committee appointed to consider the difference between the Senate and the House on Senate File 95, being a bill for an act to amend Section thirty-three (33), Chapter eighty-nine (89), acts of the Forty-fifth General Assembly, relating to salaries of deputy county officials, begs leave to report that it has had same under consideration and recommends that the House recede from their amendment and that the bill, as passed by the Senate, be amended as follows:

Strike the words, figures and punctuation "seventy-five (75)" in line five (5) and insert in lieu thereof the words, figures and punctuation "seventy (70)".

GEO. M. HOPKINS

ORA E. HUSTED

H. L. IRWIN

MIKE G. FISCH

On the part of the Senate.

J. F. BRADY

A. C. HANSON

L. S. MERCER

OTTO FUELLING

On the part of the House.

Passed on file.

The journal of March 5th was corrected and approved.

AMENDMENT FILED

Amend Senate File 66 as follows:

Amend by adding thereto as Section 3, the following:

"Sec. 3. This act being deemed of immediate importance, shall be in full force and effect after its passage and publication in the Bloomfield

Democrat, a newspaper published at Bloomfield, Iowa, and in The Oskaloosa Tribune, a newspaper published at Oskaloosa, Iowa.

JOHN K. VALENTINE.

On motion of Senator Knudson, the Senate adjourned until 10:00 a. m. Wednesday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 7, 1934.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Philip L. Shutt, lay-reader of the St. James Episcopal church of Independence.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Stevens of Decatur for the day, on request of Senator Doze; Senator Stanley for the day, on request of Senator Booth.

PETITIONS AND MEMORIALS

The following petition was presented and referred to the designated committee:

Requesting reduced interest rates on farm mortgages and other agricultural legislation. Senator Harrington from Woodbury County Farm Bureau. Sifting committee.

REPORT OF SIFTING COMMITTEE

MR. PRESIDENT: Your sifting committee begs leave to report that it has had the following bills under consideration and recommends that they be placed on the calendar:

House File 236.	House File 232.
Senate File 297.	Senate File 76.
Senate File 326.	House File 68.
House File 35.	

M. X. GESKE, *Chairman.*

CALL OF THE SENATE

MR. PRESIDENT: We, the undersigned Senators, request a call of the Senate for the consideration of Senate File 139.

JOHN N. CALHOUN.	CHAS. D. BOOTH.
GEO. A. WILSON.	WM. CARDEN.
ORA E. HUSTED.	LAFE HILL.
GEO. M. HOPKINS.	E. R. HICKLIN.
RICHARD V. LEO.	FRED W. NELSON.
LEO ELTHON.	EDW. J. WENNER.
WM. S. BEARDSLEY.	FRANK C. BYERS.
CLAUDE STANLEY.	G. W. PATTERSON.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 163, a bill for an act authorizing cities and towns maintaining police or fire departments to provide for indemnifying their police or fire department employees against liability or loss because of any claim for bodily injuries.

Also, that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 311, a bill for an act to legalize warrants issued by the Council of the town of Wyoming, County of Jones and State of Iowa, issued against its Waterworks Fund and the proceedings taken authorizing the retirement of said warrants and for the levy of taxes to pay the same.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE MESSAGE CONSIDERED

House File 163, a bill for an act authorizing cities and towns maintaining police or fire departments to provide for indemnifying their police or fire department employees against liability or loss because of any claim for bodily injuries, death or property damage made against such employees and resulting from their operation of motor vehicles while in the performance of their duties and authorizing said cities and towns to defend such employees in actions brought against them on account of any such claims.

Read first and second times and referred to sifting committee.

SENATE CONCURRENT RESOLUTION 15 CONSIDERED

Senator Reese called up for consideration Senate concurrent resolution 15, as found on page 1362 of the Senate journal and moved its adoption.

The resolution was adopted.

CONFERENCE REPORT ON SENATE FILE 95 ADOPTED

Senator Hopkins called up for consideration the report of the conference committee on Senate File 95, as found on page 1362 of the Senate journal, and moved that the report be adopted and the amendment therein proposed concurred in.

On the question "Shall the report be adopted and the amendment therein proposed, concurred in?" the vote was:

Ayes, 35.

Aschenbrenner	Coykendall	Irwin	Moore
Baldwin	Doze	Kimberly	Mullaney
Beardsley	Fisch	Klemme	Patterson
Beatty	Frailey	Knudson	Pendray
Bennett	Geske	Leo	Reese
Booth	Hill	Meyer	Roelofs
Calhoun	Hopkins	Miller of	Tripp
Carden	Hush	Buchanan	Wenner
Chrystal	Husted	Miller of Jones	Wilson

Nays, 1.

Shangle

Absent or not voting, 14.

Anderson	Hicklin	Schmidt	Stevens of
Byers	McArthur	Stanley	Wapello
Elthon	Nelson	Stevens of	Topping
Harrington	Ritchie	Decatur	Valentine

The conference report was adopted and the amendment therein proposed was concurred in.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Leo, House File 300, a bill for an act to make an appropriation for the payment of the extra expense of the State Printing Board incurred by and on account of the forty-fifth extraordinary session of the General Assembly, with report of appropriations committee, without recommendation, was taken up, considered, and the report of the committee adopted.

Senator Patterson offered the following amendment and moved its adoption:

Amend section 2 by striking from line 5 the words "Algona Upper Iowa" and inserting in lieu thereof the words "Kossuth County Advance".

The amendment was adopted.

The bill was read for information.

Senator Leo moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 18.

Baldwin	Frailey	Kimberly	Mullaney
Bennett	Hopkins	Miller of	Reese
Calhoun	Hush	Buchanan	Schmidt
Carden	Husted	Miller of Jones	Wenner
Coykendall	Irwin	Moore	

Nays, 14.

Beatty	Fisch	Leo	Shangle
Booth	Geske	Meyer	Tripp
Doze	Klemme	Ritchie	Wilson
Elthon	Knudson		

Absent or not voting, 18.

Anderson	Harrington	Pendray	Stevens of
Aschenbrenner	Hicklin	Roelofs	Wapello
Beardsley	Hill	Stanley	Topping
Byers	McArthur	Stevens of	Valentine
Chrystal	Nelson	Decatur	
	Patterson		

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

SPECIAL ORDER

SENATE FILE 66 RESUMED

Senator Valentine called up Senate File 66, upon which action was deferred, as shown on page 1361 of the Senate journal.

Senator Hill offered the following amendment and moved its adoption:

Amend Section two (2) by striking the words, "some newspaper published in the county where such coal is to be used" in lines twelve (12) and thirteen (13) and inserting in lieu thereof "a newspaper published in the district or municipality, if one is published therein, and if not in a newspaper in the county with general circulation in said district or municipality".

The amendment was adopted.

Senator Valentine offered the following amendment and moved its adoption:

Amend by adding thereto as Section 3, the following:

"Sec. 3. This act being deemed of immediate importance, shall be in full force and effect after its passage and publication in the Bloomfield Democrat, a newspaper published at Bloomfield, Iowa, and in The Oskaloosa Tribune, a newspaper published at Oskaloosa, Iowa.

The amendment was adopted.

Senator Valentine moved that the reading previously had been considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 35.

Aschenbrenner	Doze	Knudson	Roelofs
Beardsley	Elthon	Miller of	Schmidt
Beatty	Frailey	Buchanan	Shangle
Bennett	Geske	Miller of Jones	Stevens of
Booth	Hill	Mullaney	Wapello
Byers	Hopkins	Nelson	Topping
Calhoun	Hush	Pendray	Tripp
Carden	Irwin	Reese	Valentine
Chrystal	Kimberly	Ritchie	Wilson
Coykendall			

Nays, 6.

Fisch	Klemme	Patterson	Wenner
Husted	Leo		

Absent or not voting, 9.

Anderson	Hicklin	Moore	Stevens of
Baldwin	McArthur	Stanley	Decatur
Harrington	Meyer		

The bill having received a constitutional majority was declared to have passed the Senate.

Senator Valentine moved to amend the title by striking all of the title of said bill and inserting in lieu thereof the following:

"A Bill for an Act to amend section eleven hundred, seventy-one-b1 (1171-b1) of the code, 1931, as amended by Senate File 168, Acts of the Forty-fifth General Assembly in Extraordinary Session, relating to preference for coal and other domestic products and provisions, and providing for the purchase and use thereof by the state and certain municipal corporations or political subdivisions thereof, and providing penalties for failing to give such preference in the purchase and use of domestic coal for fuel; and to repeal section eleven hundred seventy-one-b2 (1171-b2) of the code, 1931, as amended by Senate File 168, Acts of the Forty-fifth General Assembly in Extraordinary Session, and to enact a substitute therefor, relating to advertising for bids and proposals for coal and other domestic products and provisions to be purchased at public expense, and relating to the rejection and acceptance of bids for domestic coal for fuel, and providing for contract and bond on acceptance of any such bids for coal for fuel."

The amendment was adopted.

The title as amended was agreed to.

Senator Valentine moved that the vote by which the bill passed the Senate be reconsidered and the motion to reconsider be laid on the table.

The motion prevailed.

THIRD READING OF BILLS

By unanimous consent on motion of Senator Wilson, Senate File 297, a bill for an act to authorize cities and towns, including those cities under special charter, and under the city manager form of government, to procure and pay the premiums on insurance for the benefit of members of volunteer fire departments and their dependents, and providing that such firemen and their dependents in cities and towns failing to procure such insurance shall be entitled to the benefits of Workmen's Compensation; and to amend section fourteen hundred twenty-one (1421), Code, 1931, relating to workmen's compensation, returned by the sifting committee, was taken up, and considered under a suspension of the rules.

Senator Calhoun offered the following amendments and moved their adoption:

1. Amend the title by striking all after the word "dependents" in line 5 thereof.
2. Strike from Section 1, line 19, the following: "of not less than twenty-five dollars (\$25.00)".
3. Strike from Section 1, line 24 the following: "not less than two thousand dollars (\$2,000.00)" and insert in lieu thereof the following: "money".
4. Strike from Section 1, lines 28 to 36 inclusive.
5. Strike Section 2.
6. Strike Section 3.
7. Renumber the remaining sections.

The amendments were adopted.

The bill was read for information.

Senator Wilson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 38.

Aschenbrenner	Coykendall	Irwin	Nelson
Baldwin	Doze	Kimberly	Patterson
Beardsley	Fisch	Klemme	Ritchie
Beatty	Frailey	Knudson	Schmidt
Bennett	Geske	Leo	Shangle
Booth	Hicklin	Meyer	Stevens of
Byers	Hill	Miller of	Wapello
Calhoun	Hopkins	Buchanan	Tripp
Carden	Hush	Moore	Wenner
Chrystal	Husted	Mullaney	Wilson

Nays, none.

Absent or not voting, 12.

Anderson	McArthur	Reese	Stevens of
Elthon	Miller of Jones	Roelofs	Decatur
Harrington	Pendray	Stanley	Topping
			Valentine

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Wilson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

HOUSE FILE 24 RESUMED

Senator Hicklin called up for consideration House File 24 upon which action was deferred, as shown on page 287 of the Senate journal.

Senator Wenner moved that action be deferred until 2:00 p. m. today.

The motion prevailed.

HOUSE FILE 16 RESUMED

Senator Hicklin called up for consideration House File 16, upon which action was deferred, as shown on page 715 of the Senate journal.

Senator Wilson was called to the chair at 11:25 a. m.

Senator Booth offered the following amendment and moved its adoption:

Amend by striking out the period and quotation marks following the word "maintained" in line six (6) and by adding after the said word "maintained" the following, to wit:

" , except during the time when 'stop' and 'go' lights or signs, if any, are being actually operated at such intersection, and except during the time when a traffic officer is actually directing traffic at such intersection."

The amendment was adopted.

President pro tempore Harold L. Irwin returned to the chair at 11:33 a. m.

Senator Wilson moved that House File 16 be referred to the sifting committee.

The motion prevailed.

On motion of Senator Shangle, the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel, Senator Geo. A. Wilson presiding, at the request of President pro tempore Harold L. Irwin.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Nelson, House File 281, a bill for an act to amend sections thirty-one hundred twenty-seven (3127), thirty-one hundred thirty-six (3136) and thirty-one hundred thirty-seven (3137), Code, 1931, relating to agricultural seeds, was called from the sifting committee and taken up and considered.

The bill was read for information.

Senator Wilson moved that the reading just had be considered the third reading, which motion prevailed.

Rule 8 was invoked.

On the question "Shall the bill pass?" the vote was:

Ayes, 29.

Anderson	Frailey	Leo	Ritchie
Aschenbrenner	Geske	Meyer	Roelofs
Beardsley	Hicklin	Miller of	Stevens of
Chrystal	Hill	Buchanan	Wapello
Coykendall	Hush	Mullaney	Topping
Doze	Husted	Nelson	Tripp
Elthon	Irwin	Patterson	Wilson
Fisch	Klemme	Pendray	

Nays, 1.

Moore

Absent or not voting, 20.

Baldwin	Carden	McArthur	Stanley
Beatty	Harrington	Miller of Jones	Stevens of
Bennett	Hopkins	Reese	Decatur
Booth	Kimberly	Schmidt	Valentine
Byers	Knudson	Shangle	Wenner
Calhoun			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on request of Senator Nelson, Senate File 110 a companion bill to the one just passed was withdrawn.

SENATE FILE 58 WITHDRAWN

By unanimous consent, on request of Senator Nelson, Senate File 58, relating to small loans, was withdrawn.

THIRD READING OF BILLS

On motion of Senator Leo, House File 296, a bill for an act to amend Section thirty-four (34), Chapter One hundred eighty-eight (188), laws of the forty-fifth General Assembly, relating to payments to the State Printing Board, for work and supplies furnished to certain state departments, with report of appropriations committee recommending passage, was taken up and considered and the report of the committee adopted.

The bill was read for information.

Senator Leo moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 31.

Anderson	Geske	Meyer	Reese
Aschenbrenner	Hicklin	Miller of	Ritchie
Beardsley	Hill	Buchanan	Roelofs
Byers	Hush	Moore	Stevens of
Coykendall	Husted	Mullaney	Wapello
Doze	Irwin	Nelson	Topping
Elthon	Klemme	Patterson	Tripp
Fisch	Leo	Pendray	Wilson
Frailey			

Nays, none.

Absent or not voting, 19.

Baldwin	Carden	Knudson	Stanley
Beatty	Chrystal	McArthur	Stevens of
Bennett	Harrington	Miller of Jones	Decatur
Booth	Hopkins	Schmidt	Valentine
Calhoun	Kimberly	Shangle	Wenner

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

President pro tempore Harold L. Irwin returned to the chair at 2:08 p. m.

HOUSE FILE 334 RECONSIDERED

By unanimous consent, on request of Senator Wilson, the motion to reconsider House File 334 was taken from the table.

Senator Wilson moved that the vote by which House File 334 passed the Senate be reconsidered.

On the question "Shall the motion to reconsider prevail?" the vote was:

Ayes, 31.

Anderson	Frailey	Meyer	Ritchie
Aschenbrenner	Geske	Miller of	Roelofs
Beardsley	Hicklin	Buchanan	Stevens of
Byers	Hill	Mullaney	Wapello
Calhoun	Hush	Nelson	Topping
Coykendall	Husted	Patterson	Tripp
Doze	Irwin	Pendray	Valentine
Elthon	Leo	Reese	Wilson
Fisch			

Nays, none.

Absent or not voting, 19.

Baldwin	Chrystal	Knudson	Shangle
Beatty	Harrington	McArthur	Stanley
Bennett	Hopkins	Miller of Jones	Stevens of
Booth	Kimberly	Moore	Decatur
Carden	Klemme	Schmidt	Wenner

The motion to reconsider prevailed.

Senator Wilson moved that the vote by which the bill passed to its third reading be reconsidered.

The motion prevailed.

Senator Wilson, as a substitute for all pending amendments, offered the following amendments and moved their adoption:

Amend by striking the period at the end of the title and adding in lieu thereof the following:

"and to make the same applicable also to wharves, docks, piers, swimming pools and golf courses."

Amend Section One (1) by striking said section and inserting in lieu thereof the following:

"Section 1. That Section One (1) of Chapter one hundred eleven (111) of the Acts of the Forty-fifth General Assembly be amended to read as follows:

'Section 1. Cities and towns in the State of Iowa are hereby authorized and empowered to own, acquire, construct, equip, operate and maintain within and/or without the corporate limits of such city or town, a sewage treatment plant or plants, with all appurtenances necessary, useful and convenient for the collection, treatment, purification and disposal in a sanitary manner of the liquid and solid waste, sewage, and industrial waste of any such city or town, also swimming pools and/or golf courses, and shall have authority to acquire by gift, grant, purchase, or condemnation, or otherwise, all necessary lands, rights-of-way, and

property therefor, within or without the said city or town, and, to issue revenue bonds to pay the costs of such improvement to be financed only through the Federal Government or an agency thereof, as hereinafter provided.'

'Cities and towns in the State of Iowa are also hereby authorized and empowered to own, acquire, construct, equip, operate and maintain within and/or without the corporate limits of such city or town, wharves, docks and/or piers when the same are authorized by a majority of voters after the proposition of such project shall have been submitted to an election to be called and conducted as required by the statutes regulating elections relating to the authorization and issuance of bonds by cities and towns for similar purposes, provided however, no election shall be necessary unless demanded by a petition signed by fifteen (15) per cent of the voters at the last preceding municipal election filed within sixty (60) days following the publication of an ordinance adopted for the issuance of such bonds, and to issue revenue bonds to pay the costs of such improvement to be financed only through the Federal Government or an agency thereof, as hereinafter provided.'

Amend Section Two (2) by striking said section and inserting in lieu thereof the following:

"Sec. 2. That Section Two (2) of Chapter one hundred eleven (111) of the Acts of the Forty-fifth General Assembly be amended to read as follows:

'Sec. 2. The construction, acquisition, improvement, equipment, custody, operation and maintenance of any such works for the collection, treatment or disposal of sewage, swimming pools, golf courses, wharves, docks or piers, and the collection of revenues therefrom, for the service rendered thereby, shall be under the supervision and control of the city or town; and the work of construction shall be done by hand labor so far as is practicable.'

The amendments were adopted.

The bill was read for information.

Senator Wilson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Anderson	Hicklin	Meyer	Schmidt
Aschenbrenner	Hill	Miller of	Shangle
Baldwin	Hopkins	Buchanan	Stevens of
Bennett	Hush	Moore	Wapello
Carden	Irwin	Mullaney	Topping
Coykendall	Kimberly	Patterson	Tripp
Doze	Klemme	Pendray	Valentine
Fisch	Knudson	Reese	Wenner
Frailey	Leo	Roelofs	Wilson
Geske	McArthur		

Nays, none.

Absent or not voting, 14.

Beardsley	Calhoun	Husted	Stanley
Beatty	Chrystal	Miller of Jones	Stevens of
Booth	Elthon	Nelson	Decatur
Byers	Harrington	Ritchie	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Wilson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 42, a bill for an act to provide for the protection, welfare and assistance of aged persons in need and resident in the State of Iowa, providing for the method therefor, and making an appropriation therefor and prescribing penalties for the violation of this act.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENTS CONSIDERED

Senator Frailey called up for consideration Senate File 42, amended by the House, and moved that the Senate suspend the rules and concur in the following amendments:

Section 2

(1) Amend section two (2) by striking from lines one (1) and two (2), the words "within the State Welfare Department"; also

(2) Strike from line three (3) the quotation marks (") and the word "State"; also

(3) Strike from line four (4) the quotation marks (") immediately following the word "commission"; also

(4) Insert between the word "state" and the word "who" in line five (5) the following: "; no more than two of whom shall belong to the same political party,"; also

(5) Strike the "period (.)" at the end of line ten (10) and insert in lieu thereof the following: "; provided, however, that the members first so appointed shall be subject to the approval of the executive council."

Section 3

(6) Amend section three (3), line two (2), by striking the words "an old age assistance" and inserting in lieu thereof the letter "a"; also

(7) Strike from line four (4) the following: "\$3,300.00" and insert in lieu thereof "three thousand dollars"; also

(8) In line eight (8), after the word "salaries" insert a "period (.)" and strike the balance of the section.

Section 5

(9) Amend section five (5), line three (3), by inserting between the "comma" and the word "of" the following: "no more than two of whom shall belong to the same political party,"; also

(10) Strike from lines six (6) and nine (9) the word "superintendent" and insert in lieu thereof "overseer".

Section 6

(11) Amend section six (6), by striking from lines four (4) and five (5) the following: ", after appropriations have been duly made as herein provided,".

Section 10

(12) Amend section ten (10), line seven (7), by striking the word "thirty" and inserting in lieu thereof "twenty-five".

Section 12

(13) Amend section twelve (12) by striking from line eleven (11) the words "so resided" and inserting in lieu thereof "had such domicile"; also

(14) Strike from subsection "d", the word "resides" and insert in lieu thereof "has a domicile"; also

(15) Strike from lines sixteen (16) to twenty (20) the following: "such periods does not exceed eighteen consecutive months, or (2) has so resided for a total of twenty years, at least three of which must be continuous and immediately precede the application; provided that"

and insert in lieu thereof the following: "the total of such periods of absence does not exceed eighteen months and the residence for the last three years preceding the application has been continuous, but".

(16) Strike from line thirty (30) the word "relief" and insert in lieu thereof "assistance"; also

(17) Strike from lines thirty-five (35) and thirty-six (36) the words "age and as she was bound to support" and insert in lieu thereof "the age of fifteen (15) years"; also

(18) Strike from line thirty-seven (37) the words "one year" and insert in lieu thereof "two years";

Section 13

(19) Amend section thirteen (13), line four (4) by striking the word "relief" and inserting in lieu thereof "assistance".

Section 14

(20) Amend section fourteen (14), line ten (10) by striking the word "relief" and inserting in lieu thereof "assistance".

Section 15

(21) Amend section fifteen (15), line eight (8), by inserting between the word "and" and the word "the" the word "neither"; also

(22) Strike from line eight (8), the word "or" and insert in lieu thereof "nor the"; also

(23) Strike from line nine (9) the word "not"; also

(24) Strike from section 15 all of line eleven (11) following the "period (.)", also lines twelve (12), thirteen (13) and fourteen (14) and insert in lieu thereof the following: "The proceeds of such claim shall be paid into the Old Age Pension Fund."; also

Section 16

(25) Amend section sixteen (16), line one (1), by striking the word "Commission" and inserting in lieu thereof "the state of Iowa"; also

(25a) Strike from line ten (10) the word "where" and insert in lieu thereof the words "of the county in which"; also

(26) Strike from line eighteen (18) the word "commission" and insert in lieu thereof "state of Iowa"; also

(27) Strike from line nineteen (19) the word "commission" and insert in lieu thereof "board".

(28) Strike from line twenty-eight (28) the words "one-half of"; also

(29) Strike from line twenty-nine (29) the word "general" and insert in lieu thereof "old age pension"; also

(30) Insert a "period (.)" immediately after the word "state" in line twenty-nine (29) and strike the remainder of said line and also line thirty (30).

Section 18

(31) Amend section eighteen (18) by striking the "comma" at the end of line twenty-one (21) and striking all of lines twenty-two (22) to twenty-six (26), inclusive, and inserting in lieu thereof the following:

"An applicant whose application for assistance has been rejected may within thirty days appeal from the decision of the commission to the district court of the county in which the application was filed by serving a ten days' notice of such appeal upon the superintendent or upon any member of the commission, in the manner required for service of an original notice. Upon service of such notice, the commission shall furnish the applicant a copy of the application, a copy of all supporting papers, a transcript of the testimony and a copy of its decision. The court shall hear and determine said application on its merits. Upon the allowance of any such application, any taxpayer of the county in which said application was filed may appeal to the district court of such county by serving notice as hereinabove provided, and upon service of said notice the commission shall furnish such taxpayer with a copy of said application, a copy of all supporting papers, a transcript of the testimony and a copy of its decision. The district court may either affirm or reverse the decision of the commission appealed from, and enter such order as may be proper; and said order and judgment of the district court shall be final. An applicant whose application for assistance has been rejected may not reapply for assistance until the expiration of twelve months from the date of the previous application."

Section 20

(32) Amend section twenty (20), line six (6), by striking the "period (.)" and inserting in lieu thereof the following:

"; and, on written order of the commission, the state comptroller shall issue and forward warrant, or warrant check, to such recipient in payment of each installment."

Section 22

(33) Amend section twenty-two (22), line six (6), by striking the "period (.)" and inserting in lieu thereof the following:

"; provided, however, that no old age assistance payments shall be made before July 1, 1935, except as provided in section thirty-five (35) of this Act."

Section 24

(34) Amend section twenty-four (24) by striking all of lines ten (10) to thirteen (13), inclusive, and inserting in lieu thereof the following:

"estate, and the amount so recovered shall be transferred to the old age pension fund of the state."

Section 27

(35) Amend section twenty-seven (27), line two (2), by striking the word "Relief" and inserting in lieu thereof "Assistance"; also

(36) Strike from line four (4) the word "relief" and insert in lieu thereof "assistance".

Section 30.

(37) Amend section thirty (30), line ten (10) by striking the word "cancelled" and inserting "canceled".

Section 31

(38) Amend section thirty-one (31), by striking all of lines sixteen (16) to eighteen (18), inclusive, and inserting in lieu thereof the following:

"punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or both."

Section 32

(39) Amend section thirty-two (32), line five (5), by striking the words "sentenced to pay" and insert in lieu thereof "punished by"; also

(40) Strike all of lines six (6) and seven (7) and insert in lieu thereof the following:

"hundred dollars, or by imprisonment in the county jail not exceeding thirty days,".

Section 34

(41) Amend section thirty-four (34) by striking all after the "period (.)" in line two (2) down to and including all of line fourteen (14); also

(42) Strike from line sixteen (16), the word "State"; also

(43) Strike from line seventeen (17), the words "State Old Age Assistance"; also

(44) Insert after the word "state" in line twenty (20) the words "and who are citizens of the United States and"; also

(45) Strike from line twenty-two (22) the following: "one dollar (\$1.00)" and insert in lieu thereof "two dollars (\$2.00)"; also

(46) Strike from lines twenty-three (23) to twenty-five (25), inclusive, the following: "This tax shall be collected in the same manner and at the same time as property taxes and subject to the same penalties." and insert in lieu thereof the following: "From the list certified to the county treasurer under the provisions of section 36 of this act, it shall be the duty of such county treasurer to place the names of all persons subject to said tax on the tax list, and the said annual tax levied by the provisions of this section and act shall be collected in 1935, and each year thereafter, by the county treasurer at the same time as property taxes and subject to the same penalties, and the county treasurer shall make remittance thereof to the treasurer of state who shall credit same to the old age pension fund;"; also

(47) Strike from line twenty-five (25) the "period (.)" and insert in lieu thereof the following: "; provided, however, that said tax, if paid, shall be credited on any poll taxes assessed for street, road, or other purposes against the person paying same. Any person, firm, association or corporation, including municipal corporations and special charter cities, having in their employ continuously for a period of thirty days or more any resident of this state and who is a citizen of the United States, and to whom this act applies and who has not paid the tax provided for in this section, shall deduct said tax from the earnings of such employee and deliver to such employee a receipt for said collection and remit same to the treasurer of state, together with a report showing the amount and name of the person from whom collected; and the treasurer of state shall credit said tax as other taxes provided for in this section and act, and report to the county treasurer of the county from which such remittance was received, giving the name of the employee and the amount of such tax collected; and when said report has been received by the county treasurer, he shall credit such person on his books with said payment. Any employer failing to collect and so report said tax shall be liable therefor."; also

(48) Insert after the "period (.)" in line thirty-one (31) the following paragraph:

"All taxes collected under the provisions of this section and act shall be deposited to the credit of the old age pension fund, and shall be kept separate from the general fund of the state. On receipt of written order from the commission, the state comptroller shall draw warrants, and/or warrant checks against the old age pension fund for any and all old age assistance payments and other expenditures provided for in this act."

Section 34-a

(49) Insert immediately after section thirty-four (34) the following section:

"Sec. 34-a. For the purpose of affording old age assistance commeno-

ing November 1, 1934, under the provisions of this act prior to July 1, 1935, there is hereby levied on all persons pursuant to section 34, a tax of one dollar (\$1.00), payable on or before July 1, 1934. The Board of Assessment and Review is hereby directed to instruct the auditors of the several counties of the state to have the assessors submit lists of persons over twenty-one (21) years of age, subject to this tax in their respective districts and the said auditor to pass these lists on to the treasurer of such counties for collection."

Section 35

(50) Strike sections thirty-five (35) and thirty-six, (36) and insert in lieu thereof the following:

"Sec. 35. Each assessor shall at the time of listing property for assessment list and return to the county auditor on or before March 15, 1935, and each year thereafter, the names and post office addresses of all persons subject to the tax provided for in this act; and the county auditor shall certify said list to the county treasurer on or before April 1, 1935, and each year thereafter."

Section 37

(51) Amend section thirty-seven (37), line three (3), by inserting after the word "report" the words "to the governor"; also

(52) Strike from line ten (10) the word "cancelled" and insert "canceled".

Section 37-a

(53) Insert immediately after section thirty-seven (37) the following section:

"Sec. 37-a. There shall be kept on file in the State Comptroller's office an itemized record of all receipts and disbursements showing the money received from each county, and the assistance granted to each county. A summary of the said record shall be compiled and published at the end of the tax year."

Section 40

(54) Amend section forty (40), line three (3), by inserting after the word "commission" the following:

" , out of any funds not otherwise appropriated".

Section 42

(55) Immediately after section forty-one (41) insert the following section:

"Sec. 42. This act being deemed of immediate importance shall be in full force and effect after its publication in the Mount Pleasant News, a newspaper published at Mount Pleasant, Iowa, and the Burlington Hawkeye Gazette, a newspaper published at Burlington, Iowa."

Renumber

Renumber the following sections: 34-a as 35; 35 as 36.

On the question "Shall the Senate concur?" the vote was:

Ayes, 42.

Anderson	Coykendall	Kimberly	Reese
Aschenbrenner	Doze	Klemme	Ritchie
Baldwin	Elthon	Knudson	Roelofs
Beardsley	Fisch	McArthur	Schmidt
Beatty	Frailey	Meyer	Stevens of
Bennett	Geske	Miller of	Wapello
Booth	Hicklin	Buchanan	Topping
Byers	Hill	Miller of Jones	Tripp
Calhoun	Hopkins	Mullaney	Valentine
Carden	Hush	Patterson	Wenner
Chrystal	Irwin	Pendray	Wilson

Nays, 2.

Husted	Shangle
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Absent or not voting, 6.

Harrington	Moore	Stanley	Stevens of
Leo	Nelson		Decatur

The House amendments having received a constitutional majority were declared to have been adopted and concurred in by the Senate.

Senator Kimberly moved that the Senate resolve itself into executive session.

EXECUTIVE SESSION

The Senate confirmed the appointment of Bernard E. Manley, of Mason City, Cerro Gordo county, as a member of the Iowa Liquor Control Commission, for a term beginning with his appointment and ending July 1, 1935.

The Senate confirmed the appointment of Dick R. Lane, of Davenport, Scott county, as a member of the Iowa Liquor Control Commission, for a term beginning with his appointment and ending July 1, 1937.

The Senate confirmed the appointment of Harold M. Cooper, of Marshalltown, Marshall county, as a member of the Iowa Liquor Control Commission, for a term beginning with his appointment and ending July 1, 1939.

The Senate arose from executive session and resumed regular session.

Senator Wilson moved that when the Senate adjourns it be to reconvene at 10:00 a. m., Thursday.

The motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File 28, a bill for an act regarding section four (4), article one (1) of the Constitution of Iowa and providing penalties for violation thereof.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 18, a bill for an act to require the use of certain safety equipment on motor vehicles.

Also: That the House has named as members of the conference committee on House File 304, a bill for an act relating to the levy to pay interest and principal on lawful bonded indebtedness, Representatives Foster of Cedar, Hook of Taylor, Felter of Warren, and Yager of Dickinson.

Also: That the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 146, a bill for an act giving the operator of a hospital in this State a lien upon causes of action to a patient therein.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 298, a bill for an act requiring the filing of schedules of rates and rules by insurance companies, associations and inter-insurance exchanges, prohibiting rebating and discrimination, and providing penalties for the violation thereof.

Also: That the House has amended and adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 14, relating to the adjournment sine die of the Forty-fifth General Assembly in Extraordinary Session.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE MESSAGE CONSIDERED

House File 298, a bill for an act requiring the filing of schedules of rates and rules by insurance companies, associations and inter-insurance exchanges, prohibiting rebating and discrimination, and providing penalties for the violation thereof.

Read first and second times and referred to sifting committee.

HOUSE AMENDMENT TO SENATE CONCURRENT
RESOLUTION 14

Amend paragraph one by striking the words "Wednesday, March 14th, 1934." and inserting in lieu thereof "Saturday noon, March 10th."

Senator Pendray was called to the chair at 3:47 p. m.

Senators Tripp submitted the following resolution:

MYERS MEMORIAL RESOLUTION

Whereas, The Hon. O. P. Myers of Newton, Jasper County, Iowa, who was a member of the Senate in the Forty-fourth and Forty-fifth General Assemblies representing the Twenty-ninth Senatorial District of the State of Iowa, died at his home, March 6, 1933, during a recess of the Forty-fifth General Assembly; now therefore,

Be It Resolved by the Senate of the Forty-fifth General Assembly in Extraordinary Session, That a committee of three be appointed to draft suitable resolutions commemorating the life, character and service of this leading attorney, business man, citizen and lawmaker of said district.

D. MYRON TRIPP.

Passed on file.

REPORT OF COMMITTEE

MR. PRESIDENT: Your committee on insurance to which was referred House Concurrent Resolution 8, has had the said resolution under advisement and begs leave to report:

That the committee has heard parties favoring the adoption of the resolution and also heard Insurance Commissioner E. W. Clark make statements in regard to the same and your committee finds:

1st. That insofar as this committee is able to ascertain at this time, there has been no evidence of misconduct on the part of the Iowa Insurance Commissioner or of the Iowa Insurance Department.

2nd. That insofar as this committee is able to ascertain at this time, the alleged irregularities in regard to the merger or re-insurance of the Modern Brotherhood of America by the Independent Order of Foresters, of Canada, were matters unknown to the Iowa Insurance Commissioner or his department until months after the authorization of the merger by the Iowa Insurance Commissioner.

3rd. That insofar as this committee is able to ascertain at this time, the alleged payments of sums of money by the Independent Order of Foresters, of Canada, to a Chicago brokerage firm, a part of which sums are alleged to have been distributed to different parties who at the time of the merger were officers of the Modern Brotherhood of America, were made from the funds belonging solely to the said Independent Order of Foresters, of Canada.

4th. That insofar as this committee is able to ascertain at this time, all the securities belonging to the Modern Brotherhood of America at the time of the merger are still held on deposit by the Iowa Insurance Department for the benefit of the policy holders of the Modern Brotherhood of America and under the terms of the re-insurance contract will so remain.

5th. That insofar as this committee is able to ascertain at this time, the alleged payment of sums of money to a Chicago brokerage company and its subsequent distribution was uncovered through the examiners of the Iowa Insurance Department, sent to Canada by the Iowa Insurance Commissioner and other parties to check the books of the Independent Order of Foresters, of Canada, some months after the completion of the said merger. That the Iowa Insurance Commissioner diligently brought the matter to the attention of the Canadian Insurance Commissioner, who had supervision of the Independent Order of Foresters, of Canada.

6th. That the files and correspondence of the Iowa Insurance Commissioner and of his department in relation to this matter are available to the public and open to the inspection of those who may be interested.

Respectfully submitted,

IRVING H. KNUDSON,

Chairman, Insurance Committee.

Passed on file.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 300 failed to pass the Senate, and the vote by which said bill went to its third reading.

D. MYRON TRIPP.

WITHDRAWAL OF SENATE FILE 32

MR. PRESIDENT: On November 14, 1933, I introduced Senate File 32 proposing to reduce small loans interest rate from 3½% per month to 2½% per month.

On November 17, 1933, Senators Hicklin, Nelson, Roelofs and Chrystal introduced Senate File 58, being an act to define, license, supervise, and regulate the business of making small loans and providing that the Superintendent of Banking and the State Banking Board should have authority to fix the interest rates.

Representatives Zylstra, McKinnon, Stimpson, and Cunningham had, on November 13, 1933, introduced House File 40, same being a companion bill to Senate File 58.

On February 5, 1934, I filed an amendment to Senate File 32, Senate File 58, and House File 40, proposing a graduated interest rate.

When the small loans interest bills were reached for consideration in the Senate, House File 40, which had already passed the House, was substituted and the subject matter of Senate File 58 was considered, amended, and debated. After satisfactory changes were made in the subject matter and after an interest rate of 3% on amounts of \$150 or less, and 2½% on amounts in excess of \$150 had been agreed to, and after changes were

made constituting the Banking Board a Commission of inquiry until March 1, 1935, this amended bill was passed in the Senate and messaged to the House. Later the House concurred in the Senate amendments, after which the bill was signed and published to become law.

There is, therefore, no reason to further consider Senate File 32. Therefore, I ask unanimous permission to withdraw same. EDW. J. WENNER.

The journal of March 6th was corrected and approved.

AMENDMENT FILED

Amend House File 335 as follows:

1. Amend Section two (2), line four (4), by inserting after the comma (,) after the word "state", the words "including cities under Special Charter".

2. Further amend by amending the title to said act as follows:

Amend line one (1) of the title by inserting after the word "towns" therein, the words "including cities under Special Charter".

E. R. HICKLIN.

D. W. KIMBERLY.

On motion of Senator Bennett the Senate adjourned, the time for reconvening having been set previously for 10:00 a. m., Thursday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 8, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Dr. E. G. Williams, pastor of the Westminster United Church of Des Moines.

PETITIONS AND MEMORIALS

The following petitions were presented and referred to the designated committees:

Favoring tax on chain stores. Senator Ritchie from business men of Pocahontas, Plover and Havelock. Sifting committee.

Favoring support of the Iowa Commodity Preference bill. Senators Doze and Valentine from citizens of Chariton, Lucas and Williamson. Sifting committee.

PROOF OF PUBLICATION

I hereby certify that there has been filed with me, as Secretary of the Senate, a proof of publication from the Roland Record, a weekly newspaper published at Roland, Story County, Iowa, relating to Senate File 324, a bill for an act to legalize and validate proceedings taken by the Town Council of the Town of Roland, Iowa, authorizing and providing for the issuance of Waterworks Bonds and making provisions for the levy of taxes to pay said bonds.

BYRON G. ALLEN, *Secretary of the Senate.*

MINORITY REPORT OF COMMITTEE ON INSURANCE

We, the undersigned members of the Committee on Insurance to which was referred House Concurrent Resolution 8, dissent from and refuse to concur in that part of the majority report embraced in Findings of the Committee, numbered 1, 2, 3, 4, 5 and 6 for the reason that there was no competent evidence submitted to the Committee either sufficient in quantity or convincing in character to establish or even tend to establish any of the said Findings.

All the information the Committee had on those matters were voluntary charges and denials, statements and counter statements not made under

oath, and without cross examination. The charges come from such a source, are of such magnitude and backed up by such authority that without expressing any opinion upon the merits and without seeking to prejudice or prejudge the action of the examining committee, should one be appointed, we believe a proper regard for the good name of the State and of this department and the interests of the policy holders involved demand that this Concurrent Resolution 8 be adopted to the end that the right may be vindicated and justice promoted and unmerited suspicion, and blame, if any there be, may be removed from all parties concerned.

L. T. SHANGLE.

H. D. MILLER.

PAUL W. SCHMIDT.

Passed on file.

HOUSE CONCURRENT RESOLUTION 8 MADE SPECIAL ORDER

By unanimous consent, on request of Senator Knudson, House Concurrent Resolution 8 was made a special order of business for March 9th at 2:00 p. m.

CALL OF THE SENATE

We, the undersigned Senators, hereby request a call of the Senate on the consideration of House Concurrent Resolution No. 8 relating to investigation of the Insurance Department.

FRANK M. STEVENS.

L. T. SHANGLE.

J. E. DOZE.

GEO. A. WILSON.

CARL ASCHENBRENNER.

IRVING H. KNUDSON.

T. W. MULLANEY.

G. E. ROELOFS.

D. MYRON TRIPP.

CHRIS REESE.

W. F. MILLER.

ROY E. STEVENS.

H. D. MILLER.

M. X. GESKE.

M. MOORE.

FRANK I. COYKENDALL.

SENATE FILE 139 CONSIDERED

There being a call of the Senate on file for consideration of Senate File 139, roll call revealed the presence of all members of the Senate except Senators Byers, Frailey, Hicklin, Harrington, Patterson and Topping.

By unanimous consent, on request of Senator Doze, action was temporarily deferred.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Nelson, Senate File 324, a bill for an act to legalize and validate proceedings taken by the Town Council of the Town of Roland, Iowa, author-

izing and providing for the issuance of Waterworks Bonds and making provisions for the levy of taxes to pay said bonds, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Nelson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 39.

Anderson	Fisch	McArthur	Ritchie
Aschenbrenner	Hill	Meyer	Roelofs -
Baldwin	Hopkins	Miller of	Schmidt
Beardsley	Hush	Buchanan	Stanley
Beatty	Husted	Miller of Jones	Stevens of
Bennett	Irwin	Moore	Decatur
Booth	Kimberly	Mullaney	Tripp
Calhoun	Klemme	Nelson	Valentine
Carden	Knudson	Pendray	Wenner
Doze	Leo	Reese	Wilson
Elthon			

Nays, 2.

Coykendall	Shangle
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Absent or not voting, 9.

Byers	Geske	Hicklin	Stevens of
Chrystal	Harrington	Patterson	Wapello
Frailey			Topping

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Nelson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Nelson, the bill was messaged to the House immediately.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hopkins, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled House Files 185, 343, 295, 324, 284, 140, 347, 135, 216, 313, 344, 333, 151, 231, 223, 278, 40, 257, 317, and 289.

GEO. M. HOPKINS, *Member Senate Committee.*

A. R. WEED, *Member House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House Files 185, 343, 295, 324, 284, 140, 347, 135, 216, 313, 344, 333, 151, 231, 223, 278, 40, 257, 317, and 289.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 3rd he had signed the following bill:

Senate File 103, an act providing for the issuance by municipalities of negotiable revenue bonds payable only out of the net earnings of municipally owned public utilities.

CONSIDERATION OF HOUSE FILE 300

Senator Tripp called up his motion, filed on page 1384 of the Senate journal, to reconsider the vote by which House File 300 failed to pass the Senate.

On the question "Shall the motion to reconsider prevail?" the vote was:

Ayes, 36.

Anderson	Fisch	Meyer	Shangle
Aschenbrenner	Geske	Miller of	Stanley
Beatty	Hill	Buchanan	Stevens of
Bennett	Hopkins	Miller of Jones	Decatur
Booth	Hush	Moore	Stevens of
Calhoun	Irwin	Mullaney	Wapello
Carden	Kimberly	Pendray	Tripp
Coykendall	Knudson	Reese	Valentine
Doze	Leo	Roelofs	Wenner
Elthon	McArthur	Schmidt	

Nays, none.

Absent or not voting, 14.

Baldwin	Frailey	Klemme	Ritchie
Beardsley	Harrington	Nelson	Topping
Ryers	Hicklin	Patterson	Wilson
Chrystal	Husted		

The motion to reconsider prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 41.

Anderson	Beatty	Carden	Elthon
Aschenbrenner	Bennett	Chrystal	Fisch
Baldwin	Booth	Coykendall	Geske
Beardsley	Calhoun	Doze	Hill

Hopkins	Meyer	Patterson	Stevens of
Hush	Miller of	Pendray	Decatur
Kimberly	Buchanan	Reese	Stevens of
Klemme	Miller of Jones	Roelofs	Wapello
Knudson	Moore	Schmidt	Tripp
Leo	Mullaney	Shangle	Valentine
McArthur	Nelson	Stanley	Wenner

Nays, none.

Absent or not voting, 9.

Byers	Hicklin	Irwin	Topping
Frailey	Husted	Ritchie	Wilson
Harrington			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Tripp moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Mullaney, House File 232, a bill for an emergency act relating to the execution and delivery of treasurers' deeds conveying real estate sold at tax sale; to prohibit the delivery of such deeds until December 2, 1935, and to extend the period of redemption, returned by the sifting committee, was taken up and considered.

Senator Mullaney offered the following amendment and moved its adoption:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. In any case where real estate has, in any year preceding 1932, been sold for taxes and the time for redemption had not already expired, a treasurer's deed therefor shall not be delivered prior to December 2, 1935, and the period during which redemption from such sale may be made is hereby extended to said date; provided, however, if the owner of such real estate shall hereafter permit any taxes to become delinquent against the same and remain so delinquent after the 1st of September of any such year the county treasurer shall upon surrender to him of the tax sale certificate, execute and deliver such deed.

Sec. 2. Any provision of any law or laws now in force which are in conflict with this act are hereby suspended until December 2, 1935.

Sec. 3. On and after December 2, 1935, this act shall cease to be in force or effect.

Sec. 4. This act, being deemed of immediate importance, shall be in full force and effect from and after its publication in the Mount Pleasant Daily News, a newspaper published at Mount Pleasant, Iowa, and the Cantril Register, a newspaper published at Cantril, Iowa.

The amendment was adopted.

The bill was read for information.

Senator Mullaney moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 42.

Anderson	Geske	Meyer	Roelofs
Aschenbrenner	Hill	Miller of	Schmidt
Baldwin	Hopkins	Buchanan	Shangle
Beatty	Hush	Miller of Jones	Stanley
Bennett	Husted	Moore	Stevens of
Booth	Irwin	Mullaney	Decatur
Carden	Kimberly	Nelson	Stevens of
Chrystal	Klemme	Patterson	Wapello
Coykendall	Knudson	Pendray	Tripp
Doze	Leo	Reese	Wenner
Elthon	McArthur	Ritchie	Wilson
Fisch			

Nays, none.

Absent or not voting, 8.

Beardsley	Calhoun	Harrington	Topping
Byers	Frailey	Hicklin	Valentine

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Mullaney moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Mullaney, the bill was messaged to the House immediately.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: Senate Files 227, 277, 298 and 322.

HOMER HUSH, *Chairman Senate Committee.*

A. R. WEED, *Member House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate Files 227, 277, 298 and 322.

Senator Klemme moved that House File 78 be withdrawn from the sifting committee.

The motion lost.

Senator Coykendall moved that House File 43 be withdrawn from the sifting committee.

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall the motion prevail?" the vote was:

Ayes, 32.

Anderson	Doze	Miller of	Ritchie
Aschenbrenner	Elthon	Buchanan	Roelofs
Beardsley	Fisch	Miller of Jones	Schmidt
Beatty	Hopkins	Mullaney	Shangle
Bennett	Hush	Nelson	Stanley
Calhoun	Husted	Patterson	Stevens of
Carden	Klemme	Pendray	Decatur
Chrystal	McArthur	Reese	Tripp
Coykendall			Wenner

Nays, 11.

Baldwin	Irwin	Moore	Valentine
Booth	Kimberly	Stevens of	Wilson
Geske	Meyer	Wapello	
Hill			

Absent or not voting, 7.

Byers	Harrington	Knudson	Topping
Frailey	Hicklin	Leo	

The motion having failed to receive a constitutional two-thirds majority was declared to have failed to pass the Senate.

POINT OF ORDER ON WITHDRAWAL

Senator Patterson raised the point of order that Senator Coykendall had made a motion to withdraw House File 43 from the sifting committee at a time when it required only a majority vote to withdraw a bill, and that the motion was not put at that time, the President taking the matter under advisement.

Senator Coykendall renewed his motion today, following adoption of a motion that it requires a two-thirds vote to withdraw a bill from the sifting committee. Senator Wilson had previously

raised the point of order that the motion to withdraw had once been voted down and was therefore out of order, and Senator Patterson held that Senator Coykendall was entitled to have had his motion voted on at the time that a majority vote would have been sufficient.

The President ruled as follows:

The point of order raised by Senator Patterson, that had the chair put the Coykendall motion at the time it was offered it might have prevailed, embarrassed the chair, in that previous to the making of the Coykendall motion there had been filed at the desk a motion by Senator Hill to exclude from consideration bills of the type of House File 43, on the afternoon of March 7th. By the same token, the chair feels that to put Senator Coykendall's motion, it would also have been necessary to put Senator Hill's motion. Therefore, the chair feels that it is impossible to back up and assume that motions which the Senators fail to press should pre-date the later action of the Senate which changes the rules. Furthermore, the reason for delay in regard to the Coykendall motion was due to a point of order having been raised and the necessary time required to properly investigate it. There was no point of order raised on Senator Hill's motion. The privilege of Senator Coykendall to again present the motion tomorrow is not denied.

Furthermore, the chair feels that, irrespective of the failure to put the Coykendall motion at the time it was presented, the changing of the rules by the Senate in the interim is a sufficient reason for ruling that a two-thirds majority is required to withdraw the bill from the sifting committee.

Senator Valentine moved that House File 335 be rereferred to the sifting committee.

The motion prevailed.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Nelson, Senate File 326, a bill for an act to amend House File 1, Acts of the Forty-fifth General Assembly, in extraordinary session, and approved by the Governor on the first day of March, 1934, and now on file in the office of the secretary of state, relating to taxation

and to exempt certain associations from the provisions of said act imposing a business tax on corporations, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Nelson moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 41.

Anderson	Fisch	McArthur	Roelofs
Aschenbrenner	Geske	Meyer	Schmidt
Beardsley	Hicklin	Miller of	Shangle
Beatty	Hill	Buchanan	Stanley
Bennett	Hopkins	Miller of Jones	Stevens of
Booth	Hush	Moore	Decatur
Byers	Husted	Mullaney	Topping
Calhoun	Irwin	Nelson	Valentine
Carden	Kimberly	Pendray	Wenner
Chrystal	Klemme	Reese	Wilson
Doze	Knudson	Ritchie	

Nays, none.

Absent or not voting, 9.

Baldwin	Elhonn	Harrington	Stevens of
Coykendall	Frailey	Leo	Wapello
		Patterson	Tripp

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Nelson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Nelson, the bill just passed was messaged to the House immediately.

By unanimous consent, on motion of Senator Byers, House File 236, a bill for an act to provide for increasing annual fees to be paid to the Auditor of State by building and loan associations; to provide for appointment by the Auditor of State of a chief examiner of building and loan associations; to fix the maximum salary of such chief examiner; to make appropriation for the same and to repeal sections ninety-three hundred twenty-three (9323) to ninety-three hundred twenty-seven (9327) both inclusive, ninety-three hundred thirty-two (9332), ninety-three hundred thirty-five (9335), ninety-three hundred thirty-seven (9337), ninety-three

hundred thirty-eight (9338), ninety-three hundred forty-five (9345) and ninety-three hundred fifty-nine (9359) and ninety-three hundred eighty-one (9381), Code, 1931, together with amendments thereto, and to amend section ninety-three hundred and eighty (9380), Code, 1931, returned by sifting committee, was taken up and considered under a suspension of rule requiring reference to the committee on appropriations.

The bill was read for information.

Senator Byers moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 33.

Anderson	Doze	Meyer	Schmidt
Aschenbrenner	Elthon	Miller of	Shangle
Baldwin	Geske	Buchanan	Stanley
Bennett	Hill	Miller of Jones	Stevens of
Booth	Hush	Moore	Decatur
Byers	Kimberly	Mullaney	Stevens of
Carden	Klemme	Patterson	Wapello
Chrystal	Knudson	Pendray	Tripp
Coykendall	McArthur	Roelofs	Wenner

Nays, 1.

Hopkins

Absent or not voting, 16.

Beardsley	Frailey	Irwin	Ritchie
Beatty	Harrington	Leo	Topping
Calhoun	Hicklin	Nelson	Valentine
Fisch	Husted	Reese	Wilson

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Patterson moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Byers, the bill just passed was messaged to the House immediately.

On motion of Senator Shangle the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the sound of the gavel.

Senator Hicklin moved that the Senate resolve itself into executive session. The motion prevailed.

The Senate arose from executive session and resumed regular session.

LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Tripp for the afternoon, on request of Senator Stevens of Wapello.

CONSIDERATION OF HOUSE FILE 24 RESUMED

Senator Hicklin called up for consideration House File 24, upon which action was deferred as shown on page 1370 of the Senate journal.

Senator Topping moved that the bill be referred to the sifting committee.

Senator Baldwin moved the previous question, which motion prevailed.

The motion by Senator Topping prevailed and the bill was referred to the sifting committee.

THIRD READING OF BILLS

On motion of Senator Wilson, Senate File 312, upon which action was deferred as shown on page 1032 of the Senate journal, a bill for an act to further the comprehensive planning of communities and neighborhoods for social, educational and recreational life of the residents, and to provide for the safety, health, comfort, convenience and general welfare of the citizens and to these ends to conditionally empower cities having a population of twenty-five thousand (25,000) or more to eradicate that class of habitations within their limits known as "slums" and to acquire real estate and erect residences thereon, and to manage, mortgage, lease or sell such erections; also to borrow money by the issuance of bonds in order to finance such undertaking, was taken up and considered.

The bill was read for information.

The following amendment filed by Senator Harrington was considered:

Amend by inserting after the word "cities" in line 1, section 1, the following: "including cities acting under special charter".

Further action was deferred.

On motion of Senator Leo, House File 346, a bill for an act to make an appropriation of twenty-nine dollars and ninety-eight

cents (29.98) to Dr. E. E. Munger, Spencer, Iowa, for his expenses as a member of the committee appointed under authority of House Joint Resolution Number Seven (7) of the Forty-fifth General Assembly for preparation of minority report of the State University Hospital, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Leo moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 41.

Aschenbrenner	Frailey	McArthur	Ritchie
Beardsley	Geske	Meyer	Schmidt
Bennett	Hicklin	Miller of	Shangle
Booth	Hill	Buchanan	Stanley
Byers	Hopkins	Miller of Jones	Stevens of
Calhoun	Husted	Moore	Decatur
Carden	Irwin	Mullaney	Stevens of
Chrystal	Kimberly	Nelson	Wapello
Doze	Klemme	Patterson	Topping
Elthon	Knudson	Pendray	Wenner
Fisch	Leo	Reese	Wilson

Nays, none.

Absent or not voting, 9.

Anderson	Coykendall	Hush	Tripp
Baldwin	Harrington	Roelofs	Valentine
Beatty			

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

Senator Leo moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

On motion of Senator Byers, House File 315, a bill for an act to amend section fifty-seven hundred forty-five (5745) code, 1931, relating to the power of city or town councils to regulate dance halls, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Baldwin moved to rerefer House File 315 to the sifting committee.

Roll call was demanded.

On the question "Shall the bill be rereferred to the sifting committee?" the vote was:

Ayes, 20.

Anderson	Irwin	Moore	Shangle
Baldwin	Kimberly	Mullaney	Stevens of
Beatty	Klemme	Patterson	Wapello
Chrystal	Meyer	Reese	Topping
Frailey	Miller of Jones	Schmidt	Valentine
Geske			

Nays, 27.

Aschenbrenner	Coykendall	Hush	Nelson
Beardsley	Doze	Husted	Pendray
Bennett	Elthon	Knudson	Ritchie
Booth	Fisch	Leo	Roelofs
Byers	Hicklin	McArthur	Stanley
Calhoun	Hill	Miller of	Wenner
Carden	Hopkins	Buchanan	Wilson

Absent or not voting, 3.

Harrington	Stevens of Decatur	Tripp
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The motion to rerefer was lost.

Senator Byers moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 27.

Aschenbrenner	Doze	Knudson	Ritchie
Beardsley	Elthon	Leo	Schmidt
Bennett	Fisch	McArthur	Stanley
Booth	Hicklin	Miller of	Stevens of
Byers	Hill	Buchanan	Wapello
Calhoun	Hopkins	Patterson	Wenner
Carden	Klemme	Pendray	Wilson
Coykendall			

Nays, 13.

Anderson	Irwin	Miller of Jones	Reese
Baldwin	Kimberly	Moore	Shangle
Frailey	Meyer	Mullaney	Topping
Geske			

Absent or not voting, 10.

Beatty	Hush	Roelofs	Tripp
Chrystal	Husted	Stevens of	Valentine
Harrington	Nelson	Decatur	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

PRINTING OF MEMORIALS

Senator Carden moved that the memorial tributes to deceased members of the Senate prepared during the regular and extra sessions be printed in pamphlet form and mailed to the families of the deceased.

The motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 15, relating to the employment of officers and employees after the final adjournment of the extraordinary session of the Forty-fifth General Assembly.

Also: That the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 336, a bill for an act relating to the manufacture, sale and distribution of beer.

Also: That the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 334, a bill for an act relating to establishing and financing of sewage and garbage works by cities and towns.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 326, a bill for an act relating to taxation and to exempt certain associations from the provisions of said act imposing a business tax on corporations.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 352, a bill for an act relating to the conveyance of real property of insane persons.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 353, a bill for an act relating to the sale or mortgage of real estate by guardians.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 357, a bill for an act exempting mortgages executed after January 1, 1934.

Also: That the House has refused to accept the conference committee report on the following bill in which the concurrence of the House was asked:

Senate File No. 95, a bill for an act relating to salaries of deputy county officials.

The Senate is requested to name a second conference committee.

The Speaker has named as a second conference committee, Representatives Gallagher of Iowa, Bouska of Howard, Rawlings of Monona, and Stimpson of Jones.

VIRGIL LEKIN, *Chief Clerk.*

SECOND CONFERENCE COMMITTEE ON SENATE FILE 95

The House having refused to adopt the report of the conference committee, the President appointed as members of the second conference committee, on the part of the Senate, Senators Baldwin, Moore, Stevens of Wapello and Booth.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Bennett, House File 35, a bill for an act to create a lien for certain services rendered in the favor of licensed veterinarians, returned by the sifting committee, was taken up and considered.

Senator Coykendall offered the following amendment and moved its adoption:

Amend section one (1), line three (3), by inserting after the word "lien" the following: " , upon any livestock treated by him,".

Senator McArthur moved that the bill be rereferred to the sifting committee.

Senator Patterson raised the point of order that Senator McArthur was not speaking on the subject before the Senate.

The President held the point of order well taken.

On the question "Shall the bill be rereferred to the sifting committee?" the vote was:

Ayes, 7.

Calhoun
Frailey

Kimberly
McArthur

Mullaney
Pendray

Ritchie

Nays, 36.

Anderson
Aschenbrenner
Baldwin
Beardsley
Beatty
Bennett
Booth
Byers
Carden
Chrystal

Coykendall
Doze
Elthon
Geske
Hicklin
Hill
Hopkins
Husted
Irwin
Klemme

Knudson
Leo
Meyer
Miller of
Buchanan
Miller of Jones
Moore
Nelson
Patterson

Reese
Roelofs
Schmidt
Shangle
Stanley
Stevens of
Wapello
Wenner
Wilson

Absent or not voting, 7.

Fisch	Stevens of	Topping	Valentine
Harrington	Decatur	Tripp	
Hush			

The motion to rerefer was lost.

Senator Beatty raised the point of order that Senator Hicklin was not discussing the pending amendment.

The President held the point of order well taken and asked that the Senator confine his remarks to the subject at hand.

Senator Mullaney asked that action be temporarily deferred.

President pro tempore Harold L. Irwin took the chair at 3:35 p. m.

Senator Bennett moved the previous question on the pending amendment. The motion prevailed.

On the question "Shall the amendment offered by Senator Coykendall be adopted?" the vote was:

Ayes, 5.

Calhoun	McArthur	Mullaney	Ritchie
Hicklin			

Nays, 34.

Anderson	Chrystal	Klemme	Roelofs
Aschenbrenner	Coykendall	Knudson	Schmidt
Baldwin	Elthon	Leo	Shangle
Beardsley	Geske	Meyer	Stanley
Beatty	Hill	Miller of Jones	Stevens of
Bennett	Hush	Moore	Decatur
Booth	Husted	Nelson	Wenner
Byers	Irwin	Patterson	Wilson
Carden	Kimberly	Reese	

Absent or not voting, 11.

Doze	Hopkins	Pendray	Topping
Fisch	Miller of	Stevens of	Tripp
Frailey	Buchanan	Wapello	Valentine
Harrington			

The amendment was lost.

Senator Hicklin offered the following amendment:

Strike section 2.

Senator Bennett moved the previous question on the amendment offered by Senator Hicklin. The motion prevailed.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 5.

Calhoun	Ritchie	Shangle	Valentine
Hicklin			

Nays, 33.

Anderson	Coykendall	Klemme	Patterson
Aschenbrenner	Doze	Knudson	Reese
Baldwin	Elthon	Leo	Roelofs
Beardsley	Geske	Meyer	Schmidt
Beatty	Hill	Miller of	Stanley
Bennett	Hopkins	Buchanan	Stevens of
Booth	Husted	Moore	Decatur
Carden	Irwin	Mullaney	Wilson
Chrystal	Kimberly	Nelson	

Absent or not voting, 12.

Byers	Hush	Pendray	Topping
Fisch	McArthur	Stevens of	Tripp
Frailey	Miller of Jones	Wapello	Wenner
Harrington			

The amendment was lost.

Senator Moore moved the previous question on all pending amendments and the main bill.

The motion prevailed.

Senator Elthon having previously filed two amendments, they were taken up and considered:

Amend section one by striking from lines 3 and 4 thereof the following: "and for any service rendered in the administration of any such biological products used".

Also amend by striking from line 5 the words "service and".

Senator Wilson moved to reconsider the vote by which the previous question was ordered. The motion prevailed.

On the question "Shall the Elthon amendments be adopted?" the vote was:

Ayes, 14.

Calhoun	Fisch	Pendray	Stevens of
Chrystal	McArthur	Ritchie	Decatur
Doze	Mullaney	Schmidt	Stevens of
Elthon	Nelson	Shangle	Wapello

Nays, 25.

Anderson	Byers	Klemme	Patterson
Aschenbrenner	Coykendall	Leo	Reese
Baldwin	Hicklin	Miller of	Roelofs
Beardsley	Hill	Buchanan	Stanley
Beatty	Hopkins	Miller of Jones	Topping
Bennett	Husted	Moore	Wilson
Booth	Irwin		

Absent or not voting, 11.

Carden
Frailey
Geske

Harrington
Hush
Kimberly

Knudson
Meyer
Tripp

Valentine
Wenner

The amendments were lost.

President Kraschel took the chair at 4:03 p. m.

Senator Hicklin offered the following amendment and moved its adoption:

Amend section one, line 3, by inserting after the word "for" the following: "the actual and reasonable value of".

The amendment was adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend by striking from line 4, of section 3, the words "price agreed upon for", and inserting in lieu thereof "actual and reasonable value of".

Further action was deferred.

HOUSE MESSAGES CONSIDERED

House File 352, a bill for an act to amend section ten thousand four hundred fifty-one (10451), Code, 1931, relating to the conveyance of real property of insane persons.

Read first and second times and referred to sifting committee.

House File 353, a bill for an act to amend section twelve thousand six hundred twenty-eight (12628), Code, 1931, relating to the sale or mortgage of real estate by guardians.

Read first and second times and referred to sifting committee.

House File 357, a bill for an act exempting mortgages executed after January first nineteen hundred thirty-four (January 1, 1934) from the provisions of chapters one hundred seventy-nine (179) and one hundred eighty-two (182), Acts of the Forty-fifth General Assembly.

Read first and second times and referred to sifting committee.

On motion of Senator Wilson, the Senate went into executive session.

The Senate arose from executive session and resumed regular session.

CONFERENCE REPORT ON HOUSE FILE 304

MR. PRESIDENT AND MR. SPEAKER: We the undersigned members of the Conference Committee appointed to consider the difference between the Senate and the House on House File No. 304, being a bill for an act to amend section forty-four hundred three (4403), code, 1931, relating to the levy to pay interest and principal on lawful bonded indebtedness, begs leave to report that it has had the same under consideration and recommends that the Senate recede from its amendment and that the bill, as passed by the House, be amended by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section forty-four hundred three (4403), code, 1931, is amended by adding the following:

'Provided that when because of reduced valuation a seven mill tax is not sufficient to produce the amount required to pay the interest and one twentieth of the principal of the original issue of bonds legally issued prior to the year nineteen hundred thirty-four (1934) the board may certify such amount and the County Auditor shall compute and apply such tax rate for such purpose as may be necessary to raise the amount so certified and the funds so raised shall be used only for the purpose of paying interest and principal on such bonds and shall not be subject to transfer'.

'Provided further that the tax limitation contained in this section shall not operate to restrict or prevent a school district in the issuance of refunding bonds to pay interest or principal of bonds outstanding on March 31, 1934'."

LAFE HILL.

CLAUDE STANLEY.

WM. S. BEARDSLEY.

F. M. BEATTY.

On the part of the Senate.

LAMAR FOSTER.

W. A. YAGER.

VICTOR FELTER.

CHAS. S. HOOK.

On the part of the House.

Passed on file.

Senator Moore submitted the following resolution:

BAIRD MEMORIAL RESOLUTION

Whereas, The Hon. W. S. Baird of Pottawattamie County, Iowa, who was a member of the Senate in the Thirty-ninth, Fortieth, Fortieth Extraordinary, Forty-first, Forty-second, Forty-second Extraordinary, Forty-third and Forty-fourth General Assemblies representing the nineteenth senatorial district of the State of Iowa, died during the interim between the meeting of the Forty-fifth General Assembly and the Forty-fifth General Assembly in Extraordinary session; therefore,

Be It Resolved by the Senate of the Forty-fifth General Assembly in Extraordinary Session, That a committee of three be appointed to draft suitable resolutions commemorating the life, character and service of this leading citizen and lawmaker of said district.

By unanimous consent, on request of Senator Moore, the rules were suspended and the resolution was considered.

The resolution was adopted and the President appointed as members of the committee Senators Moore, Carden and Booth.

Senator Beardsley submitted the following resolution:

JAMISON MEMORIAL RESOLUTION

Whereas, The Honorable James H. Jamison of Osceola, Clarke County, Iowa, who was a member of the Senate in the Twenty-fourth, Twenty-fifth, Thirtieth, Thirty-first, Thirty-second and Thirty-second Extra General Assemblies representing the Eleventh Senatorial District of the State of Iowa, died during the interim between the meeting of the Forty-fifth General Assembly and the Forty-fifth General Assembly in Extraordinary session; therefore,

Be It Resolved by the Senate of the Forty-fifth General Assembly in Extraordinary Session, That a committee of three be appointed to draft suitable resolutions commemorating the life, character and service of this leading citizen and lawmaker of said district.

By unanimous consent, on request of Senator Beardsley, the rules were suspended and the resolution considered.

The resolution was adopted and the President appointed as members of the committee, Senators Beardsley, Calhoun and Stanley.

AMENDMENTS FILED

Amend House File 335 by adding a new section as Section eleven (11) to read as follows: "The provisions of this act shall not apply to the purchase, building or financing of any plant, improvement or extension thereof, which is constructed under the provisions of Sections 6134-d1 to 6134-d7 inclusive, Code 1931."

Also, renumber Section eleven (11) as Section twelve (12).

CLAUDE STANLEY.

Amend Senate File 312, Section six (6), by inserting a period following the word "election" at the end of line two (2), and by striking all of lines three (3), four (4), and five (5), of said Section six (6).

EDW. J. WENNER.

Amend House File 35 by inserting "and a particular description" after the word "number" in line three (3) of Section three (3).

E. R. HICKLIN.

The journal of March 7th was corrected and approved.

On motion of Senator Wilson, the Senate adjourned until 10:00 a. m. Friday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 9, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. W. L. Ewing, pastor of the Grace M. E. Church of Des Moines.

CALL OF THE SENATE

MR. PRESIDENT: We the undersigned members of the Senate of the 45th General Assembly in extraordinary session, request a call of the Senate on the consideration of all matters pertaining to the sine die adjournment of this session.

L. T. SHANGLE.

FRANK M. STEVENS.

J. E. DOZE.

CARL ASCHENBRENNER.

FRANK I. COYKENDALL.

PAUL H. ANDERSON.

H. C. BALDWIN.

L. H. MEYER.

M. X. GESKE.

M. MOORE.

PAUL W. SCHMIDT.

T. W. MULLANEY.

I. G. CHRYSTAL.

ROY E. STEVENS.

REPORT OF SIFTING COMMITTEE

MR. PRESIDENT: Your sifting committee begs leave to report that it has had the following bills under consideration and recommends that they be placed on the calendar: House File 352, House File 353, House File 357, House File 43.

M. X. GESKE, *Chairman.*

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 297, a bill for an act to authorize cities and towns to procure and pay the premiums on insurance for the benefit of members of volunteer fire departments and their dependents.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 243, a bill for an act to provide for an increase in license fees to provide adequate funds to make possible the development of the Iowa Twenty-five Year Conservation Program.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 203, a bill for an act relating to the powers and duties of the Iowa state fair board.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 329, a bill for an act relating to the caring for the unemployed and needy and regulating the hourly rates for work in exchange for relief.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 142, a bill for an act relating to a Permanent Park Board in cities over 125,000.

Also: That the House has failed to pass the following bill in which the concurrence of the House was asked:

Senate File No. 265, a bill for an act relative to the jurisdiction of the State Board of Conservation.

Also: That the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 269, a bill for an act relating to the time, place and manner of weighing bread.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution No. 18, permitting members of the Forty-fifth General Assembly, Extraordinary Session, to purchase the chairs occupied by them during this session.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE CONCURRENT RESOLUTION NO. 18

Whereas, Members of the Forty-fifth General Assembly, Extraordinary Session, may desire to purchase the chairs occupied by them during this session, therefore,

Be It Resolved by the House, the Senate concurring, That such members be permitted to purchase such chairs from the secretary of the executive council at the price of ten (\$10.00) dollars, and that the custodian of the State House be instructed to crate such chairs as may be purchased and deliver them to the express office in Des Moines, addressed to the purchasers.

Be It Further Resolved by the House, the Senate Concurring, That the Speaker of the House and the President of the Senate, the Sergeant-at-arms of the House and the Sergeant-at-arms of the Senate, the Assistant Sergeant-at-arms of the House, and the Chief Doorkeeper of the Senate, be presented with the chairs occupied by them during the session, and that the custodian of the State House be instructed to crate such chairs and deliver them to the express office in Des Moines, addressed to the persons mentioned herein.

Passed on file.

HOUSE AMENDMENT TO SENATE CONCURRENT
RESOLUTION 14 CONSIDERED

Senator Calhoun called up for consideration Senate Concurrent Resolution 14, amended by the House as follows, and moved that the Senate concur:

Amend paragraph one by striking the words "Wednesday, March 14th, 1934." and inserting in lieu thereof "Saturday noon, March 10th."

SENATE CONCURRENT RESOLUTION 14 MADE SPECIAL ORDER

Senator Shangle moved that consideration of the House amendment be made a matter of special order for Saturday at 10:00 a. m.

The motion prevailed.

MYERS MEMORIAL RESOLUTION CONSIDERED

Senator Tripp called up for consideration the Myers memorial resolution, as found on page 1383 of the Senate journal, and moved the adoption of the resolution.

The resolution was adopted and the President appointed on such committee, Senators Tripp, Byers and Stevens of Wapello.

HOUSE FILE 35 RESUMED

Senator Bennett called up for consideration House File 35, upon which action was deferred, as shown on page 1403 of the Senate journal.

Senator Hicklin called up for consideration his amendment to section 3, line 4, upon which action was deferred, as shown on page 1403 of the Senate journal, and moved its adoption.

The amendment was adopted.

Senator Hicklin offered the following amendment and moved its adoption:

Amend by inserting "and a particular description" after the word "number" in line three (3) of Section three (3).

The amendment was adopted.

Senators Wenner and Stanley offered the following amendments and moved their adoption:

Amend by inserting after the word "for" in line 4 of section 1 the words, "the actual and reasonable value of"; also by adding at the end

of section 3 a new sentence as follows: "Said lien shall be effective from the date of filing."

Further amend by adding a new section as follows:

"Sec. 4. The lienholder may enforce his lien by a suit in equity."

The amendments were adopted.

President pro tempore Harold L. Irwin was called to the chair at 11:04 a. m.

The bill was read for information.

Senator Bennett moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 37.

Anderson	Elthon	Klemme	Reese
Aschenbrenner	Frailey	Knudson	Roelofs
Baldwin	Geske	Leo	Schmidt
Beatty	Hicklin	Meyer	Stanley
Bennett	Hill	Miller of	Stevens of
Booth	Hopkins	Buchanan	Wapello
Byers	Hush	Miller of Jones	Tripp
Carden	Husted	Moore	Wenner
Chrystal	Irwin	Nelson	Wilson
Coykendall	Kimberly	Patterson	

Nays, 7.

Calhoun	Mullaney	Ritchie	Stevens of
McArthur	Pendray	Shangle	Decatur

Absent or not voting, 6.

Beardsley	Fisch	Topping	Valentine
Doze	Harrington		

The bill having received a constitutional majority was declared to have passed the Senate.

Senator Bennett offered the following amendment to the title and moved its adoption:

Amend the title by adding after the word "certain" in line 1 the words "biologicals furnished and"; also by adding after the word "veterinarians" in line 2 the words ", and providing for the foreclosure thereof".

The amendment was adopted and the title as amended was agreed to.

Senator Bennett moved that the vote by which the bill passed the Senate be reconsidered and the motion to reconsider be laid on the table.

The motion prevailed.

Senator Miller of Buchanan moved that the Senate resolve itself into executive session.

EXECUTIVE SESSION

The Senate confirmed the interim appointment of Mrs. Cora E. Simpson of Decorah, Winneshiek county, as a member of the Board of Education for the term ending June 30, 1939.

The Senate confirmed the interim appointment of Hon. Jno. W. Foster of Guthrie Center, Guthrie county, as a member of the Board of Assessment and Review for a term ending July 1, 1935, to fill the unexpired term of Hon. Louis H. Cook, resigned.

The Senate arose from executive session and resumed regular session.

On motion of Senator Shangle the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel, President pro tempore Harold L. Irwin presiding.

Senator Wilson moved that the Senate resolve itself into executive session.

The motion prevailed.

EXECUTIVE SESSION

The Senate confirmed the interim appointment of Arthur E. Rapp, of Council Bluffs, Pottawattamie county, as a member of the Fish and Game Commission, for the unexpired term ending April 30, 1937, due to the vacancy created by the resignation of E. J. Gottsch of Shenandoah.

The Senate confirmed the interim appointment of Doctor J. E. Stepp of Jessup, Buchanan County, as a member of the Fish and Game Commission, for the unexpired term ending April 30, 1937, due to the vacancy created by the resignation of James B. McLaughlin of Preston.

The Senate arose from executive session and resumed regular session.

HOUSE MESSAGES CONSIDERED

House File 329, a bill for an act to amend Senate File 281, as passed by the Forty-fifth General Assembly, in extraordinary session, relating to the caring for the unemployed and needy and regulating the hourly rates for work in exchange for relief.

Read first and second times and referred to sifting committee.

House File 142, a bill for an act to amend section fifty-eight hundred thirteen-d two (5813-d2), Code, 1931, and providing for a method of abolishing a Permanent Park Board in cities over 125,000, established under Chapter 293-d1, providing for the question of the abolishment of the Permanent Park Board to be submitted to the voters at the next City election in March following the adoption of this amendment; providing that if a majority of the votes upon said proposition be in favor thereof, said Permanent Park Board shall be abolished and the provisions of Chapter 293-d1 shall not apply to said City thereafter; providing for the automatic return of all property under the jurisdiction of said Permanent Park Board to the City Council of said City for disposition as by law provided, and providing that officers and members of said Permanent Park Board shall stand discharged.

Read first and second times and referred to sifting committee.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 9th day of March, 1934, sent to the Governor for his approval, Senate Files 227, 277, 298 and 322.

HOMER HUSH, *Chairman.*

Passed on file.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 358, a bill for an act giving to the State Banking Board authority to carry out the administration provisions of law relating to the staff of and to their employment by the State Banking Department; limiting the annual expenditures for salaries.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 308, a bill for an act to make an appropriation to W. F. Bellamy.

Also: That the House has adopted the conference report and amendment proposed therein to the following bill in which the concurrence of the House was asked:

House File No. 304, a bill for an act relating to the levy to pay interest and principal on lawful bonded indebtedness.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 355, a bill for an act to encourage national industrial recovery; to provide for the construction of certain useful public works, and for other purposes, commonly known as the "National Recovery Act."
VIRGIL LEKIN, *Chief Clerk.*

SPECIAL ORDER HOUSE CONCURRENT RESOLUTION 8 CONSIDERED

Senator Knudson called up for consideration House concurrent resolution 8, as shown on pages 246, 247, 248, and 249 of the Senate journal.

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate, except Senator Harrington, who was excused indefinitely, and the call was declared complete.

Senator Knudson moved the adoption of the majority report of the committee on insurance, as found on pages 1383 and 1384 of the Senate journal.

Action was deferred temporarily.

HOUSE MESSAGES CONSIDERED

House File 358, a bill for an act to amend sections ninety-one hundred thirty-six (9136) and ninety-one hundred thirty-seven (9137), Code, 1931, giving to the State Banking Board authority to carry out the administration provisions of law relating to the staff of and to their employment by the State Banking Department; limiting the annual expenditure for salaries; and to repeal acts in conflict therewith.

Read first and second times and referred to sifting committee.

House File 355, a bill for an act to provide for the public welfare through the recognition of the economic emergency existing

in the state and nation; to declare the policy of the state of Iowa to be that of cooperating with, and assisting the national government in enforcing and carrying into effect "An Act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes", approved June 16, 1933, and commonly known as the "National Industrial Recovery Act"; to govern the letting of contracts for the construction, alteration, and repair of public works and the purchasing of materials and supplies for public use; and to provide for codes of fair competition, agreements, licenses, rules and regulations for trades and industries, and to provide penalties for the violation thereof.

Read first and second times.

By unanimous consent, on request of Senator Doze, House File 355 was substituted for Senate File 139 on the calendar, and the call of the Senate made to apply thereto.

REPORT OF SIFTING COMMITTEE

MR. PRESIDENT: Your sifting committee begs leave to report that it has had the following bills under consideration and recommends that they be placed on the calendar: House File 358, House File 329.

M. X. GESKE, *Chairman.*

HOUSE FILE 358 MADE SPECIAL ORDER

By unanimous consent, on request of Senator Hicklin, House File 358 was made a special order of business before the special order on Senate Concurrent Resolution 14.

REPORT OF SECOND CONFERENCE COMMITTEE ON SENATE FILE 95

MR. PRESIDENT AND MR. SPEAKER: We the undersigned members of the Second Conference Committee appointed to consider the difference between the Senate and the House on Senate File 95, being a bill for an act to amend Section thirty-three (33), Chapter eighty-nine (89), acts of the Forty-fifth General Assembly, relating to salaries of deputy county officials, begs leave to report that it has had same under consideration and recommend that the Senate concur in the House amendment to said bill.

HOWARD C. BALDWIN.

MORRIS MOORE.

ROY E. STEVENS.

CHAS. D. BOOTH.

On the part of the Senate.

J. P. GALLAGHER.

JOSEPH D. BOUSKA.

ED RAWLINGS.

THOMAS STIMPSON.

On the part of the House.

By unanimous consent, on request of Senator Baldwin, the rules were suspended and the report taken up and considered.

On the question "Shall the report be adopted and the House amendment concurred in?" the vote was:

Ayes, 42.

Anderson	Elthon	Knudson	Roelofs
Aschenbrenner	Fisch	Leo	Shangle
Baldwin	Frailey	Meyer	Stanley
Beardsley	Geske	Miller of	Stevens of
Beatty	Hicklin	Buchanan	Decatur
Bennett	Hill	Miller of Jones	Stevens of
Booth	Hopkins	Moore	Wapello
Byers	Hush	Mullaney	Topping
Calhoun	Irwin	Nelson	Tripp
Carden	Kimberly	Pendray	Wenner
Coykendall	Klemme	Ritchie	Wilson
Doze			

Nays, none.

Absent or not voting, 8.

Chrystal	Husted	Patterson	Schmidt
Harrington	McArthur	Reese	Valentine

The report was adopted and the House amendments concurred in.

CONFERENCE REPORT ON HOUSE FILE 304 CONSIDERED

Senator Hill called up for consideration the conference committee report on House File 304, as found on page 1404 of the Senate journal, and moved that the report be adopted and the amendment therein proposed be concurred in.

On the question "Shall the report be adopted and the amendment therein proposed concurred in?" the vote was:

Ayes, 34.

Anderson	Chrystal	Klemme	Shangle
Aschenbrenner	Coykendall	Leo	Stanley
Baldwin	Elthon	McArthur	Stevens of
Beardsley	Fisch	Meyer	Wapello
Bennett	Hicklin	Miller of Jones	Topping
Booth	Hill	Moore	Tripp
Byers	Hopkins	Mullaney	Wenner
Calhoun	Hush	Pendray	Wilson
Carden	Husted	Roelofs	

Nays, none.

Absent or not voting, 16.

Beatty	Irwin	Nelson	Schmidt
Doze	Kimberly	Patterson	Stevens of
Frailey	Knudson	Reese	Decatur
Geske	Miller of	Ritchie	Valentine
Harrington	Buchanan		

The report was adopted and the amendment therein proposed concurred in.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 232, a bill for an act relating to the execution and delivery of treasurers' deeds conveying real estate sold at tax sale; prohibiting delivery.

Also: That the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 35, a bill for an act to create a lien for certain services rendered in the favor of licensed veterinarians.

Also: That the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 300, a bill for an act to make an appropriation for the payment of the extra expense of the State Printing Board incurred by and on account of the Forty-fifth Extraordinary session of the General Assembly.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 324, a bill for an act to legalize and validate proceedings taken by the Town Council of the Town of Roland, Iowa, authorizing and providing for the issuance of Waterworks Bonds and making provisions for the levy of taxes to pay said bonds.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 68, a bill for an act to make an appropriation for the use of the State Board of Conservation.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE AMENDMENT TO SENATE FILE 68

Amend Section one (1) by adding thereto the following:

" , provided, that no part of the fund appropriated hereby shall be used for the purchase or development of any real estate, except to provide necessary road ways into any parks or other projects now owned or under development by the State of Iowa and under the jurisdiction of the State Board of Conservation."

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 315 passed the Senate.

PAUL W. SCHMIDT.

The journal of March 8th was corrected and approved.

On motion of Senator Shangle the Senate adjourned until 10:00 a. m. Saturday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 10, 1934.

The Senate met in regular session, President pro tempore Harold L. Irwin presiding.

Prayer was offered by Philip Leslie Shutt, lay-reader of the St. James Episcopal Church of Independence.

PETITIONS AND MEMORIALS

The following petition was presented and referred to the designated committee:

Protesting the levying of new taxes. Also the small wages paid highway laborers. Senator Bennett from Commercial Club of Charter Oak. Sifting committee.

SENATE FILE 32 WITHDRAWN

Senator Wenner called up for consideration his request to withdraw Senate File 32, as shown on page 1384 of the Senate journal.

The request was granted and Senate File 32 was withdrawn.

HOUSE AMENDMENT CONSIDERED

Senator Schmidt called up for consideration Senate File 68, amended by the House, and moved that the Senate concur in the following amendment:

Amend Section one (1) by adding thereto the following:

“, provided, that no part of the fund appropriated hereby shall be used for the purchase or development of any real estate, except to provide necessary road ways into any parks or other projects now owned or under development by the State of Iowa and under the jurisdiction of the State Board of Conservation.”

Senator Schmidt offered the following amendment to the amendment and moved its adoption:

Amend by striking from line 3 the words “or development”.

The amendment to the amendment was adopted.

On the question “Shall the Senate concur in the amendment as amended?” the vote was:

Ayes, 41.

Anderson	Fisch	McArthur	Roelofs
Aschenbrenner	Geske	Meyer	Schmidt
Baldwin	Hicklin	Miller of	Shangle
Beardsley	Hill	Buchanan	Stanley
Bennett	Hush	Miller of Jones	Stevens of
Booth	Husted	Moore	Decatur
Calhoun	Irwin	Mullaney	Stevens of
Carden	Kimberly	Patterson	Wapello
Chrystal	Klemme	Pendray	Tripp
Doze	Knudson	Reese	Wenner
Elthon	Leo	Ritchie	Wilson

Nays, none.

Absent or not voting, 9.

Beatty	Frailey	Hopkins	Topping
Byers	Harrington	Nelson	Valentine
Coykendall			

The House amendment as amended having received a constitutional majority was declared to have been adopted and concurred in by the Senate.

SPECIAL ORDER HOUSE FILE 358 CONSIDERED

On motion of Senator Hicklin, House File 358, a bill for an act to amend sections ninety-one hundred thirty-six (9136) and ninety-one hundred thirty-seven (9137), Code, 1931, giving to the State Banking Board authority to carry out the administration provisions of law relating to the staff of and to their employment by the State Banking Department; limiting the annual expenditure for salaries; and to repeal acts in conflict therewith, returned by the sifting committee, was taken up and considered.

The bill was read for information.

President N. G. Kraschel took the chair at 10:30 a. m.

Senator Geske offered the following amendments and moved their adoption:

Amend section three (3), line two (2), by striking all of said section after the word "repealed" in said line and inserting in lieu thereof a period (.).

Further amend by inserting as section three (3), the following:

"Sec. 3. The aggregate salaries for the department for the biennium ending June 30, 1935, shall not exceed sixty-five thousand dollars (\$65,000), annually."

Further amend by renumbering section three (3) as section four (4) and section four (4) as section five (5).

The amendments were adopted.

Senator Geske moved that the reading previously had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Yes, 42.

Anderson	Elthon	Meyer	Shangle
Arschbrenner	Geske	Miller of Buchanan	Stanley
Baldwin	Hicklin	Miller of Jones	Stevens of Decatur
Beardsley	Hill	Moore	Stevens of Wapello
Beatty	Hopkins	Mullaney	Topping
Bennett	Husted	Patterson	Tripp
Booth	Irwin	Reese	Valentine
Byers	Kimberly	Ritchie	Wenner
Calhoun	Klemme	Roelofs	Wilson
Carden	Leo	Schmidt	
Chrystal	McArthur		
Doze			

Nays, none.

Absent or not voting, 8.

Coykendall	Frailey	Hush	Nelson
Fisch	Harrington	Knudson	Pendray

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, Senate Files 28, 18, 311, 326 and 42.

HOMER HUSH, *Chairman Senate Committee.*
WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate Files 28, 18, 311, 326 and 42.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports

they have on this 10th day of March, 1934, sent to the Governor for his approval, Senate Files 28, 18, 311, 326 and 42.

HOMER HUSH, *Chairman.*

Passed on file.

HOUSE CONCURRENT RESOLUTION 18 CONSIDERED

Senator Schmidt called up for consideration House Concurrent Resolution 18, as found on page 1407 of the Senate journal and moved its adoption.

The resolution was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 294, a bill for an act making an appropriation for the payment of the necessary expenses of the Iowa Commission to Study Liquor Control Legislation appointed by the Governor to study and recommend a plan of liquor control for the State of Iowa.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 360, a bill for an act to make an appropriation to the City of Des Moines, Iowa, to reimburse the city for expenditures made in paving and improving streets adjacent to state owned property.

VIRGIL LEKIN, *Chief Clerk.*

HOUSE MESSAGE CONSIDERED

House File 360, a bill for an act to make an appropriation to the City of Des Moines, Iowa, to reimburse the City for expenditures made in paving and improving streets adjacent to state owned property.

Read first and second times and referred to appropriations committee.

HOUSE CONCURRENT RESOLUTION 8 RESUMED

Senator Knudson called up for consideration House Concurrent Resolution 8, upon which action was deferred, as shown on page 1412 of the Senate journal.

There being a call of the Senate on file, roll call revealed the presence of all the members of the Senate except Senators Harrington and Coykendall.

Senator Harrington was excused previously.

Senator Moore moved that Senator Coykendall be excused from the call.

The motion prevailed.

Senator Geske moved that not to exceed 15 minutes be given each speaker who wished to speak on the resolution.

Senator Stanley moved that House Concurrent Resolution 8 be laid on the table.

Roll call was demanded.

Senator Byers raised the point of order that motion to lay on the table was not debatable.

The President held that the speakers were only asking questions.

On the question "Shall the motion prevail?" the vote was:

Ayes, 27.

Beardsley	Elthon	Irwin	Roelofs
Beatty	Frailey	Kimberly	Schmidt
Bennett	Hicklin	Klemme	Stanley
Booth	Hill	Leo	Topping
Byers	Hopkins	Nelson	Wenner
Calhoun	Hush	Patterson	Wilson
Carden	Husted	Ritchie	

Nays, 20.

Anderson	Geske	Miller of Jones	Stevens of
Aschenbrenner	Knudson	Moore	Decatur
Baldwin	McArthur	Mullaney	Stevens of
Chrystal	Meyer	Reese	Wapello
Doze	Miller of	Shangle	Tripp
Fisch	Buchanan		Valentine

Absent or not voting 3.

Coykendall	Harrington	Pendray
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The motion to table prevailed.

EXPLANATION OF VOTE

In reference to my vote on House Concurrent Resolution No. 8, I wish to make the following statement:

I intended waiving my time on the floor after a request was made to the chair to speak, but when this motion to table was choked I wish to take this course to correct any false impression concerning the majority report submitted by certain members of the insurance committee of which I am a member.

The majority report, it was intimated in a news story printed in the Des Moines Register of March 8th, "cleared" E. W. Clark of "charges". The insurance committee in so far as I know, made no attempt to "clear" the insurance department nor did it attempt to indict. The insurance committee presented this resolution to the Senate, in spirit, without recommendations.

In the light of the evidence of a \$750,000 plus fraud presented to the Senate body and our committee I was interested in further investigation.

Again, I, as a member of the committee on insurance, do not care to be misquoted by inference or design by any partisan writer. I would have had a chance to make this statement this morning if this motion had not been made. Therefore, my vote against the motion.

H. C. BALDWIN.

THIRD READING OF BILLS

On motion of Senator Doze, House File No. 355, a bill for an act to provide for the public welfare through the recognition of the economic emergency existing in the state and nation; to declare the policy of the state of Iowa to be that of cooperating with, and assisting the national government in enforcing and carrying into effect "An Act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes", approved June 16, 1933, and commonly known as the "National Industrial Recovery Act"; to govern the letting of contracts for the construction, alteration, and repair of public works and the purchasing of materials and supplies for public use; and to provide for codes of fair competition, agreements, licenses, rules and regulations for trades and industries, and to provide penalties for the violation thereof, substituted for Senate File 139 on the calendar, was taken up and considered.

There being a call of the Senate on file for consideration of this bill, roll call revealed the presence of all members of the Senate except Senators Coykendall and Harrington, who were excused from the call, and the call was declared complete.

The bill was read for information.

Senator Roelofs moved that House File 355 be laid on the table.

Roll call was demanded.

On the question "Shall the motion prevail?" the vote was:

Ayes, 25.

Beardsley	Elthon	Husted	Ritchie
Beatty	Fisch	Kimberly	Roelofs
Bennett	Frailey	Klemme	Stanley
Booth	Hicklin	Leo	Topping
Byers	Hill	Nelson	Wenner
Calhoun	Hopkins	Patterson	Wilson
Carden			

Nays, 23.

Anderson	Irwin	Moore	Stevens of
Aschenbrenner	Knudson	Mullaney	Decatur
Baldwin	McArthur	Pendray	Stevens of
Chrystal	Meyer	Reese	Wapello
Doze	Miller of	Schmidt	Tripp
Geske	Buchanan	Shangle	Valentine
Hush	Miller of Jones		

Absent or not voting, 2.

Coykendall Harrington

The motion to table prevailed.

EXCHANGE OF SEATS

By unanimous consent, on request of Senator Hicklin, he and Senator Baldwin exchanged seats 49 and 17.

By unanimous consent, on request of Senator Stevens of Wapello, he and Senator Moore exchanged seats 16 and 47.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, House Files 178, 146, 336, 334, 296, 349, 35, 304, 236, 281, 269, 346, 232, and 300.

HOMER HUSH, *Chairman Senate Committee.*

A. R. WEED, *Member House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House

Files 178, 146, 336, 334, 349, 304, 296, 236, 281, 269, 346, 232, 35, and 300.

Senator Klemme moved to recess until 1:30 p. m.

Senator Klemme withdrew his motion by unanimous consent.

Senator Wilson called up for consideration Senate Concurrent Resolution 14.

Senator Shangle moved that the Senate recess until 1:30 p. m. today.

Senator Wilson raised the point of order that Senator Shangle was not in his seat and could not make a motion and that he, Senator Wilson, had the floor.

The President held that Senator Wilson had the floor.

Senator Shangle raised the point of order that the adjournment resolution was for "12:00 noon" and as that time was past due the resolution was out of order.

The President held that as the Senate had not acted on the resolution there was no time fixed and it could be called up at any time.

The President announced that there was a call on file for consideration of the resolution and many Senators had already gone.

Senator Wilson moved that the absent Senators be excused.

Senator Shangle raised the point of order that there was a previous motion before the Senate.

The President held that the point was not well taken as the Klemme motion to recess had been withdrawn.

Senator Valentine asked a ruling of the chair on whether or not it took 26 votes to table a bill, which in the case of House File 355 amounted to a suppression of a question.

Senator Geske also asked a ruling of the chair as to the same objection applying to House Concurrent Resolution 8.

Senator Wilson raised the point of order that the chair had announced the vote and that the motion had prevailed, as applied to House File 355, and any point of order at this time was out of order and not timely.

The President announced that the Senate should not be bound by the mistakes of the chair, and that the point was not well taken.

Senator Stanley raised the further point of order that the Senate had gone on to consider further business.

The President held the point of order not well taken.

The President took under advisement the points of order of Senators Valentine and Geske.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 358, a bill for an act giving to the State Banking Board authority to carry out the administration provisions of law relating to the staff of and to their employment by the State Banking Department limiting the annual expenditure for salaries.

Also: That the House has adopted the second conference report to the following bill in which the concurrence of the House was asked:

Senate File No. 95, a bill for an act relating to salaries of deputy county officials.

Also: That the House has concurred in Senate amendments to House amendments to the following bill in which the concurrence of the House was asked:

Senate File No. 68, a bill for an act to make an appropriation for the use of the State Board of Conservation. *VIRGIL LEKIN, Chief Clerk.*

The journal of March 9th was corrected and approved.

AMENDMENT FILED

Amend House File 68, Section one (1), by striking out the word "it" where it appears in line six (6) of said section, and inserting in lieu thereof the words "a part of said district". *EDW. J. WENNER.*

On motion of Senator Shangle the Senate recessed until 1:30 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

CALL OF THE SENATE

MR. PRESIDENT: We, the undersigned members of the Senate of the 45th General Assembly in Extraordinary Session, request a call of the

Senate on the consideration of all matters pertaining to the sine die adjournment of this session.

PAUL H. ANDERSON.

H. D. MILLER.

D. MYRON TRIPP.

M. MOORE.

L. H. MEYER.

M. X. GESKE.

WM. McARTHUR.

T. W. MULLANEY.

FRANK M. STEVENS.

L. T. SHANGLE.

CARL F. ASCHENBRENNER.

PAUL W. SCHMIDT.

CAROLYN C. PENDRAY.

H. C. BALDWIN.

EXCHANGE OF SEATS

By unanimous consent, on request of Senator Klemme, he and Senator Anderson exchanged seats 1 and 45.

By unanimous consent, on request of Senator Carden, he and Senator Mullaney exchanged seats 30 and 2.

By unanimous consent, on request of Senator Schmidt, he and Senator Leo exchanged seats 43 and 24.

By unanimous consent, on request of Senator Leo, the order of business was returned to introduction of bills.

INTRODUCTION OF BILLS

Senate File 327, by appropriations committee, a bill for an act to make an appropriation for the typewriter rentals and miscellaneous expenses of the forty-fifth general assembly in extraordinary session, to make appropriations for certain interim committees named by the forty-fifth general assembly, and to make other miscellaneous appropriations incidental to the needs of the state government.

Read first and second times and placed on the calendar.

Senate File 328, by committee on aircraft transportation and railroads, a bill for an act to amend House File 223, Acts of the Forty-fifth General Assembly in extraordinary session, relating to the tenure of office of members of the commission of aeronautics.

Read first and second times.

THIRD READING OF BILLS

By unanimous consent, on request of Senator Bennett, the rules were suspended by which no bill may be read the second and third times on the same day.

Senate File 328, a bill for an act to amend House File 223, Acts of the Forty-fifth General Assembly in extraordinary session, relating to the tenure of office of members of the commission of aeronautics, was taken up and considered.

The bill was read for information.

Senator Bennett moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 43.

Anderson	Frailey	Miller of	Shangle
Aschenbrenner	Geske	Buchanan	Stanley
Baldwin	Hicklin	Miller of Jones	Stevens of
Beardsley	Hill	Moore	Decatur
Bennett	Hopkins	Mullaney	Stevens of
Booth	Hush	Patterson	Wapello
Byers	Irwin	Pendray	Topping
Calhoun	Kimberly	Reese	Tripp
Carden	Klemme	Ritchie	Valentine
Doze	Leo	Roelofs	Wenner
Elthon	McArthur	Schmidt	Wilson
Fisch	Meyer		

Nays, none.

Absent or not voting, 7.

Beatty	Coykendall	Husted	Nelson
Chrystal	Harrington	Knudson	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Bennett moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

By unanimous consent, on request of Senator Bennett, the bill was messaged to the House immediately.

By unanimous consent, on motion of Senator Valentine, House File 329, a bill for an act to amend Senate File 281, as passed by the Forty-fifth General Assembly, in extraordinary session, relating to the caring for the unemployed and needy and regulating the hourly rates for work in exchange for relief, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Valentine moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 36.

Anderson	Hicklin	Moore	Stevens of
Aschenbrenner	Hush	Mullaney	Decatur
Baldwin	Irwin	Patterson	Stevens of
Byers	Kimberly	Pendray	Wapello
Carden	Klemme	Reese	Topping
Chrystal	McArthur	Ritchie	Tripp
Doze	Meyer	Ruelofs	Valentine
Fisch	Miller of	Schmidt	Wenner
Frailey	Buchanan	Shangle	Wilson
Geske	Miller of Jones	Stanley	

Nays, none.

Absent or not voting, 14.

Beardsley	Calhoun	Hill	Knudson
Beatty	Coykendall	Hopkins	Leo
Bennett	Elthon	Husted	Nelson
Booth	Harrington		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Valentine moved that the vote by which the bill passed the Senate be reconsidered and that the motion to reconsider be laid on the table. The motion prevailed.

BILLS MESSAGED TO HOUSE

Senator Wilson moved that all bills passed from now on be messaged to the House immediately, unless there is objection made; this motion not to preclude the filing of motions to reconsider.

The motion prevailed.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Geske, House File 352, a bill for an act to amend section ten thousand four hundred fifty-one (10451), Code, 1931, relating to the conveyance of real property of insane persons, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Geske moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 43.

Anderson	Elthon	McArthur	Roelofs
Aschenbrenner	Fisch	Meyer	Schmidt
Baldwin	Frailey	Miller of	Shangle
Beardsley	Geske	Buchanan	Stanley
Beatty	Hicklin	Miller of Jones	Stevens of
Bennett	Hill	Moore	Decatur
Booth	Hush	Mullaney	Stevens of
Byers	Husted	Nelson	Wapello
Calhoun	Irwin	Patterson	Tripp
Carden	Kimberly	Pendray	Valentine
Chrystal	Klemme	Reese	Wenner
Doze	Leo		

Nays, 1.

Wilson

Absent or not voting, 6.

Coykendall	Hopkins	Ritchie	Topping
Harrington	Knudson		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Geske, House File 353, a bill for an act to amend section twelve thousand six hundred twenty-eight (12628), Code, 1931, relating to the sale or mortgage of real estate by guardians, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Geske moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 26.

Anderson	Geske	Moore	Stevens of
Baldwin	Kimberly	Mullaney	Decatur
Bennett	McArthur	Pendray	Stevens of
Byers	Meyer	Reese	Wapello
Calhoun	Miller of	Roelofs	Tripp
Carden	Buchanan	Schmidt	Valentine
Chrystal	Miller of Jones	Stanley	Wenner
Frailey			

Nays, 13.

Beardsley	Hill	Klemme	Shangle
Booth	Hopkins	Patterson	Topping
Elthon	Husted	Ritchie	Wilson
Hicklin			

Absent or not voting, 11.

Aschenbrenner	Doze	Hush	Leo
Beatty	Fisch	Irwin	Nelson
Coykendall	Harrington	Knudson	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Leo, the rules were suspended and Senate File 327, a bill for an act to make an appropriation for the typewriter rentals and miscellaneous expenses of the forty-fifth general assembly in extraordinary session, to make appropriations for certain interim committees named by the forty-fifth general assembly, and to make other miscellaneous appropriations incidental to the needs of the state government, an appropriations committee bill, was taken up and considered.

The bill was read for information.

Senator Leo, chairman of the appropriations committee, offered the following amendment and moved its adoption:

Amend by striking section seven (7).

The amendment was lost.

Senator Leo, chairman of the appropriations committee, moved the adoption of the following amendment:

Amend section twenty-four (24) by striking from line seven (7) the words, figures and punctuation "fourteen (14)" and inserting in lieu thereof the following: "twenty-one (21)".

By unanimous consent, on request of Senator Leo, the words and figures "twenty-one (21)" were changed to the words and figures "twenty-two (22)".

The amendment was adopted.

Senator Leo, chairman of the appropriations committee, offered the following amendments and moved their adoption: .

Amend by striking section fourteen (14).

Amend by renumbering the sections of the bill.

The amendments were adopted.

Senator Leo moved that the reading previously had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 46.

Anderson	Beatty	Calhoun	Elthon
Aschenbrenner	Bennett	Carden	Fisch
Baldwin	Booth	Chrystal	Frailey
Beardsley	Byers	Doze	Geske

Hicklin	McArthur	Patterson	Stevens of
Hill	Meyer	Pendray	Decatur
Hush	Miller of	Reese	Stevens of
Husted	Buchanan	Ritchie	Wapello
Irwin	Miller of Jones	Roelofs	Topping
Kimberly	Moore	Schmidt	Tripp
Klemme	Mullaney	Shangle	Valentine
Leo	Nelson	Stanley	Wenner
			Wilson

Nays, none.

Absent or not voting, 4.

Coykendall	Harrington	Hopkins	Knudson
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The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

By unanimous consent, on motion of Senator Geske, House File 357, a bill for an act exempting mortgages executed after January first nineteen hundred thirty-four (January 1, 1934) from the provisions of chapters one hundred seventy-nine (179) and one hundred eighty-two (182), Acts of the Forty-fifth General Assembly, returned by the sifting committee, was taken up and considered.

The bill was read for information.

Senator Geske moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Anderson	Fisch	Miller of	Stanley
Aschenbrenner	Frailey	Buchanan	Stevens of
Baldwin	Geske	Miller of Jones	Decatur
Bennett	Hicklin	Moore	Stevens of
Booth	Hush	Mullaney	Wapello
Byers	Husted	Patterson	Topping
Calhoun	Irwin	Pendray	Tripp
Carden	Kimberly	Reese	Valentine
Chrystal	Klemme	Ritchie	Wenner
Doze	McArthur	Schmidt	Wilson
Elthon	Meyer	Shangle	

Nays, none.

Absent or not voting, 10.

Beardsley	Harrington	Knudson	Nelson
Beatty	Hill	Leo	Roelofs
Coykendall	Hopkins		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

REPORT OF COMMITTEE

Senator Leo submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred House File 360, a bill for an act to make an appropriation to the City of Des Moines, Iowa, to reimburse the City for expenditures made in paving and improving streets adjacent to state owned property, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

THIRD READING OF BILLS

By unanimous consent, on motion of Senator Leo, the rules were suspended and House File 360, a bill for an act to make an appropriation to the City of Des Moines, Iowa, to reimburse the City for expenditures made in paving and improving streets adjacent to state owned property, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Leo moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 44.

Anderson	Frailey	Meyer	Shangle
Aschenbrenner	Geske	Miller of	Stanley
Baldwin	Hicklin	Buchanan	Stevens of
Beatty	Hill	Miller of Jones	Decatur
Bennett	Hopkins	Moore	Stevens of
Booth	Hush	Mullaney	Wapello
Byers	Husted	Nelson	Topping
Calhoun	Irwin	Pendray	Tripp
Carden	Kimberly	Reese	Valentine
Chrystal	Klemme	Ritchie	Wenner
Doze	Leo	Roelofs	Wilson
Fisch	McArthur	Schmidt	

Nays, none.

Absent or not voting, 6.

Beardsley	Elthon	Knudson	Patterson
Coykendall	Harrington		

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 327, a bill for an act to make an appropriation for the typewriter rentals and miscellaneous expenses of the forty-fifth general assembly in extraordinary session.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 328, a bill for an act relating to the tenure of office of members of the commission of aeronautics. VIRGIL LEKIN, *Chief Clerk*.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush, from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, House File 358.

HOMER HUSH, *Chairman Senate Committee*.

WM. KOCH, *Chairman House Committee*.

Report adopted.

BILL SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House File 358.

The President announced that he was ready to make his rulings on the question of House File 355.

Senator Shangle asked unanimous consent to consider House File 43.

Objection was raised.

Senator Shangle moved to make House File 43 a special order for Monday at 10:00 a. m.

Senator Wilson raised the point of order that the President had announced his readiness to make a ruling and the Senate was ready to receive the same, which was in regard to the rules under which the Senate was working and the Senate should hear it now.

By unanimous consent, the call of the Senate was ignored for a time.

RULING OF THE CHAIR ON HOUSE FILE 355

The President, before ruling, read a section from Robert's Rules of Order, Revised, the rules under which the Senate was operating, and which formed the background for the ruling, as follows:

“The object of this motion (to lay on the table) is to enable the assembly, in order to attend to more urgent business, to lay aside the pending question in such a way that its consideration may be resumed at the will of the assembly as easily as if it were a new question, and in preference to new questions competing with it for consideration. It is to the interest of the assembly that this object should be attained instantly by a majority vote, and therefore this motion must either apply to, or take precedence of, every debatable motion whatever its rank. It is undebatable, and requires only a majority vote, notwithstanding the fact that if not taken from the table the question is suppressed. These are dangerous privileges which are given to no other motion whose adoption would result in final action on a main motion. There is a great temptation to make an improper use of them, and lay questions on the table for the purpose of instantly suppressing them by a majority vote, instead of using the previous question, the legitimate motion to bring the assembly to an immediate vote. The fundamental principles of parliamentary law require a two-thirds vote for every motion that suppresses a main question for the session without free debate. The motion to lay on the table being undebatable, and requiring only a majority vote, and having the highest rank of all subsidiary motions, is in direct conflict with these principles, if used to suppress a question. If habitually used in this way, it should, like the other motions to suppress without debate, require a two-thirds vote.”

The President ruled that where the motion to table is used for killing a measure without debate, it should require a two-thirds vote.

So far as action on House Concurrent Resolution 8 was concerned, the chair realized that debate was had, on both sides of the question, and the motion to lay on the table should be accepted as the vote indicated. That question is dead.

The chair did not feel the same way toward the motion to table House File 355.

The motion to consider this particular bill had not been debated by the sponsors of the measure. The proponents of the measure had at least one sponsor who had presented the case, but there was no debate on the part of the others.

The motion would definitely kill the bill without debate and because of this fact the chair would not feel justified in permitting it to be so killed and therefore held that a two-thirds vote under that motion would be required.

The logical motion to bring the assembly to vote immediately was the motion for the previous question, which requires only a majority vote.

The chair stated that if he has erred in presiding over this assembly it has been in leaning backward to give free debate. "I realize I have deviated from the rules many times but it has always been done in that direction, and will lean that way this time if there is any leaning to do. This brings the motion before us."

Senator Hicklin asked a further reading of the rules quoted by the President.

Senator Shangle raised the point of order that there was no question before the House; that there should be no discussion of the decision, and the chair had made his ruling.

The President allowed the reading of the rule.

Senator Wenner asked the chair his interpretation of the difference between a vote for indefinite postponement and a vote for a motion to table.

The President stated that a motion for indefinite postponement required a majority vote and is debatable, while the motion to table is not debatable and required a two-thirds vote for adoption.

Senator Shangle moved that the Senate adjourn until 10:00 a. m., Monday.

Roll call was demanded.

On the question "Shall the motion prevail?" the vote was:

Ayes, 14.

Aschenbrenner	Geske	Miller of Jones	Stevens of
Chrystal	Kimberly	Pendray	Decatur
Doze	McArthur	Schmidt	Topping
Frailey	Meyer	Shangle	

Nays, 30.

Anderson	Elthon	Leo	Ritchie
Beardsley	Hicklin	Miller of	Roelofs
Beatty	Hill	Buchanan	Stanley
Bennett	Hopkins	Moore	Stevens of
Booth	Hush	Mullaney	Wapello
Byers	Husted	Nelson	Tripp
Calhoun	Irwin	Patterson	Wenner
Carden	Klemme	Reese	Wilson

Absent or not voting, 6.

Baldwin	Fisch	Knudson	Valentine
Coykendall	Harrington		

The motion to adjourn was lost.

Senator Patterson moved that House File 355 be indefinitely postponed.

Senator Beardsley moved the previous question on the motion of Senator Patterson.

The motion prevailed.

Senator Shangle moved to recess until 7:30 p. m. tonight.

Senator Patterson raised the point of order that the motion is out of order as the previous question had prevailed and a vote should immediately be had on the pending motion.

The President held the point well taken.

Senator Stevens of Decatur moved that the sergeant-at-arms be instructed to enforce the call on House File 355.

The motion prevailed.

Roll call revealed the absence of Senators Coykendall, Harrington and Knudson.

Senator Harrington previously had been excused for an indefinite period.

Senator Stevens of Decatur moved that the sergeant-at-arms be instructed to procure the presence of Senator Coykendall.

The motion prevailed.

Senator Stevens of Wapello moved that the Senate recess until the sound of the gavel.

The motion prevailed.

The Senate reconvened at the fall of the gavel.

Senator Coykendall appeared in the Senate chamber.

The call revealed the absence of Senator Knudson.

Senator Geske asked that if the result of the vote on the question of indefinite postponement could be changed by the vote of Senator Knudson, the announcement of the result of the vote be withheld until his arrival, thus giving Senator Knudson a chance to cast his vote and complete the call.

Consent was granted.

The question was on indefinite postponement of House File 355.

Roll call was demanded.

On the question "Shall the motion prevail?" the vote was:

Ayes, 23.

Beardsley	Carden	Kimberly	Roelofs
Beatty	Elthon	Klemme	Stanley
Bennett	Hicklin	Leo	Topping
Booth	Hill	Nelson	Wenner
Byers	Hopkins	Patterson	Wilson
Calhoun	Husted	Ritchie	

Nays, 25.

Anderson	Frailey	Miller of Jones	Stevens of
Aschenbrenner	Geske	Moore	Decatur
Baldwin	Hush	Mullaney	Stevens of
Chrystal	Irwin	Pendray	Wapello
Coykendall	McArthur	Reese	Tripp
Doze	Meyer	Schmidt	Valentine
Fisch	Miller of Buchanan	Shangle	

Absent or not voting, 2.

Harrington Knudson

The motion to indefinitely postpone was lost.

Action was deferred temporarily.

Senator Coykendall asked that House File 43 be considered.

The President of the Senate recognized Senator Valentine for the purpose of making a motion concerning House File 355.

Senator Valentine moved that House File 355 be made a special order for Monday at 10:00 a. m.

The motion prevailed.

Senator Wilson moved that the Senate adjourn until Monday at 10:00 a. m.

Senator Frailey moved that the calendar be referred to the sifting committee.

Senator Elthon asked the disposition of the Coykendall request.

Senator Hicklin raised the point of order that Senator Coykendall's request was out of order at the time it was made for the reason that the Senate was considering House File 355.

The President stated that the request of Senator Coykendall was out of order at the time it was made and in the meantime a motion to adjourn had been made and Senator Wilson was insisting on his motion.

The motion prevailed and the Senate adjourned until 10:00 a. m. Monday.

JOURNAL OF THE SENATE

SENATE CHAMBER,
DES MOINES, IOWA, MARCH 12, 1934.

The Senate met in regular session, President N. G. Kraschel presiding.

Prayer was offered by Rev. C. E. Lookingbill, of Nevada, also member of the House of Representatives.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, Senate Files 243, 297, 203, 308, 294 and 324.

HOMER HUSH, *Chairman Senate Committee.*
WM. KOCH, *Chairman House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate Files 243, 297, 203, 308, 294 and 324.

REPORT OF COMMITTEE

Senator Leo submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred House File 342, a bill for an act making an appropriation to reimburse the city of Iowa City, Iowa, for expenditures made in paving streets in front of state owned property, begs leave to report it has had the same under consideration and recommends the same do pass.

RICHARD V. LEO, *Chairman.*

Ordered passed on file.

THIRD READING OF BILLS

On motion of Senator Leo House File 342, a bill for an act making an appropriation to reimburse the City of Iowa City, Iowa, for expenditures made in paving streets in front of State owned prop-

erty, with report of appropriations committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Leo moved that the reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?" the vote was:

Ayes, 40.

Anderson	Elthon	Leo	Stanley
Aschenbrenner	Fisch	McArthur	Stevens of
Baldwin	Geske	Meyer	Decatur
Beardsley	Hicklin	Miller of Jones	Stevens of
Bennett	Hill	Moore	Wapello
Booth	Hush	Mullaney	Topping
Calhoun	Husted	Pendray	Tripp
Carden	Irwin	Roelofs	Valentine
Chrystal	Kimberly	Schmidt	Wenner
Coykendall	Klemme	Shangle	Wilson
Doze	Knudson		

Nays, none.

Absent or not voting, 10.

Beatty	Harrington	Miller of	Patterson
Byers	Hopkins	Buchanan	Reese
Frailey		Nelson	Ritchie

The bill having received a constitutional two-thirds majority was declared to have passed the Senate and the title was agreed to.

HOUSE FILE 355 SPECIAL ORDER RESUMED

Senator Valentine called up for consideration House File 355, upon which action was deferred as shown on page 1436 of the Senate journal.

There being a call of the Senate on file, roll call revealed the presence of all members of the Senate except Senators Frailey, Harrington and Ritchie.

Senator Harrington had previously been excused for an indefinite period.

Senators Frailey and Ritchie were excused temporarily, or until a vote was ready to be taken.

Senator Shangle offered the following amendment and moved its adoption:

Amend by striking all of Section 3, and by substituting in lieu thereof the following:

"Sec. 3. No person, firm, association or corporation shall engage in, conduct or carry on any business in this state for which a license is required by announcement and/or regulations of the National Industrial Recovery Act without procuring such license, and no person, firm, association or corporation shall violate the terms and conditions of such license."

Senator Shangle asked unanimous consent to withdraw the amendment.

Objection was raised.

Senator Shangle moved that the amendment be withdrawn.

Senator Wilson raised the point of order that the sole question was upon the adoption of the amendment, and asked for a roll call.

The President ruled that technically the point of order was well taken.

Senator Hicklin moved that Senator Ritchie be excused for the rest of the session.

The motion prevailed by a two-thirds majority.

Senator Valentine called the attention of the Senate to rule 9, permitting the sponsoring member to withdraw an amendment.

The President ruled that Senator Valentine's point of order was well taken in view of the fact that if Senator Wilson wished to offer the same amendment he could do so, and announced the withdrawal of the Shangle amendment.

Senator Patterson offered the following amendment and moved its adoption:

Amend section 7 by striking the period (.) at the end of line 15 and inserting in lieu thereof the following: "; provided, however, under no circumstances shall a right to a trial by jury be denied the accused under this act."

By unanimous consent, on request of Senator Patterson the figure "7" was changed to the figure "4" in line 1 and the figure "15" was changed to figure "10" in line 1.

Senator Frailey appeared in the Senate Chamber and the call was declared complete.

By unanimous consent, on request of Senator Patterson his

amendment was amended by striking all after the word "following:" in line 2 and inserting in lieu thereof the following:

" ; provided, however, the defendant in such suit shall be entitled to a jury trial upon any question of fact."

Roll call was demanded.

On the question "Shall the amendment as amended be adopted?" the vote was:

Ayes, 24.

Beardsley	Carden	Husted	Patterson
Beatty	Elthon	Kimberly	Roelofs
Bennett	Frailey	Klemme	Stanley
Booth	Hicklin	Knudson	Topping
Byers	Hill	Leo	Wenner
Calhoun	Hopkins	Nelson	Wilson

Nays, 24.

Anderson	Geske	Miller of Jones	Stevens of
Aschenbrenner	Hush	Moore	Decatur
Baldwin	Irwin	Mullaney	Stevens of
Chrystal	McArthur	Pendray	Wapello
Coykendall	Meyer	Reese	Tripp
Doze	Miller of	Schmidt	Valentine
Fisch	Buchanan	Shangle	

Absent or not voting, 2.

Harrington	Ritchie
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The amendment was lost, as it lacked a majority vote.

Senator Patterson offered the following amendment and moved its adoption:

Amend by adding at the end of section 2 the following: "Nothing in this act shall be construed to prevent a producer or seller of perishable products from making such price variations as are necessary to move the products to avoid their destruction."

Roll call was demanded.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 24.

Beardsley	Carden	Husted	Patterson
Beatty	Elthon	Kimberly	Roelofs
Bennett	Frailey	Klemme	Stanley
Booth	Hicklin	Knudson	Topping
Byers	Hill	Leo	Wenner
Calhoun	Hopkins	Nelson	Wilson

Nays, 24.

Anderson	Chrystal	Fisch	Irwin
Aschenbrenner	Coykendall	Geske	McArthur
Baldwin	Doze	Hush	Meyer

Miller of Buchanan	Mullaney Pendray	Shangle Stevens of Decatur	Stevens of Wapello
Miller of Jones	Reese		Tripp
Moore	Schmidt		Valentine

Absent or not voting, 2.

Harrington Ritchie

The amendment was lost, not having received a majority vote.

Senators Hicklin, Wilson, Calhoun, Patterson, Byers, Roelofs, Topping and Nelson offered the following amendment and moved its adoption:

Amend by adding and inserting a new section as follows, preceding the publication clause:

"Sec. The provisions of this Act shall not become operative until the fair exchange value of corn, hogs, cattle, sheep, oats, wheat, and other agricultural products, as defined by Section 9 (c) Part 2, Title I of the Emergency Farm Relief Act, shall be sufficient to place them upon the same parity of purchasing power with relation to articles farmers buy, as such commodities had during the period commencing August 1, 1909, and ending July 31, 1914. The index figures of farm and industrial prices as prepared by the United States Department of Agriculture shall be prima facie evidence as to when and whether such regained parity of purchasing power has been attained."

Action was deferred temporarily.

On motion of Senator Shangle the Senate recessed until 1:15 p. m. today.

AFTERNOON SESSION

The Senate reconvened at the fall of the gavel.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has failed to pass the following bill in which the concurrence of the House was asked:

Senate File No. 323, a bill for an act relating to the compensation of the members of the State Board of Assessment and Review.

VIRGIL LEKIN, *Chief Clerk.*

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully

reports that it has examined and finds correctly enrolled, House Files 352, 360, 329, 353, 342, and 357.

HOMER HUSH, *Chairman Senate Committee.*

A. R. WEED, *Member House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House Files 352, 360, 329, 353, 342, and 357.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 12th day of March, 1934, sent to the Governor for his approval, Senate Files 243, 297, 203, 308, 294 and 324.

HOMER HUSH, *Chairman.*

Passed on file.

HOUSE FILE 355 RESUMED

Roll call revealed the presence of all members of the Senate except Senators Harrington and Ritchie, who were excused indefinitely at a previous time, and the call was declared complete.

Consideration of Senator Hicklin's amendment was resumed.

President pro tempore Harold L. Irwin was called to the chair at 2:15 p. m.

President N. G. Kraschel returned to the chair at 2:25 p. m.

Roll call was called for on the amendment.

On the question "Shall the amendment be adopted?" the vote was:

Ayes, 24.

Beardsley	Carden	Husted	Patterson
Beatty	Elthon	Kimberly	Roelofs
Bennett	Frailey	Klemme	Stanley
Booth	Hicklin	Knudson	Topping
Byers	Hill	Leo	Wenner
Calhoun	Hopkins	Nelson	Wilson

Nays, 24.

Anderson	Chrystal	Fisch	Irwin
Aschenbrenner	Coykendall	Geske	McArthur
Baldwin	Doze	Hush	Meyer

Miller of Buchanan	Mullaney Pendray	Shangle Stevens of Decatur	Stevens of Wapello
Miller of Jones	Reese		Tripp
Moore	Schmidt		Valentine

Absent or not voting, 2.

Harrington	Ritchie
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The amendment was lost.

Senator Wenner moved the previous question on the main bill.

Senator Hush asked to be heard.

Senator Hopkins objected.

The President allowed Senator Hush to talk before the putting of the previous question.

The previous question prevailed.

By unanimous consent, on request of Senator Hicklin, his speech to the Senate in opposition to the bill under consideration, was ordered printed in the journal.

Senator Doze moved that the bill be read a third time now, which motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?" the vote was:

Ayes, 25.

Anderson	Hush	Miller of Jones	Stevens of
Aschenbrenner	Irwin	Moore	Decatur
Baldwin	Knudson	Mullaney	Stevens of
Chrystal	McArthur	Pendray	Wapello
Coykendall	Meyer	Reese	Tripp
Doze	Miller of	Schmidt	Valentine
Fisch	Buchanan	Shangle	
Geske			

Nays, 23.

Beardsley	Carden	Husted	Roelofs
Beatty	Elthon	Kimberly	Stanley
Bennett	Frailey	Klemme	Topping
Booth	Hicklin	Leo	Wenner
Byers	Hill	Nelson	Wilson
Calhoun	Hopkins	Patterson	

Absent or not voting, 2.

Harrington	Ritchie
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The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

Senator Patterson moved that the vote by which House File

355 failed to pass the Senate be reconsidered and the motion to reconsider be laid on the table.

Roll call was demanded.

On the question "Shall the motion prevail?" the vote was:

Ayes, 31.

Anderson	Chrystal	Husted	Miller of Jones
Beardsley	Coykendall	Irwin	Mullaney
Beatty	Elthon	Kimberly	Patterson
Bennett	Frailey	Klemme	Roelofs
Booth	Hicklin	Knudson	Stanley
Byers	Hill	Leo	Topping
Calhoun	Hopkins	Miller of	Wenner
Carden	Hush	Buchanan	Wilson

Nays, 6.

Baldwin	Meyer	Reese	Shangle
Doze	Moore		

Absent or not voting, 13.

Aschenbrenner	McArthur	Schmidt	Stevens of
Fisch	Nelson	Stevens of	Wapello
Geske	Pendray	Decatur	Tripp
Harrington	Ritchie		Valentine

The motion prevailed.

ARGUMENT RELATIVE TO HOUSE FILE 355

MR. PRESIDENT: The following argument given by me in support of my amendment to House File 355, is submitted for printing in the Journal, solely because Senator Geske accused me from the floor of making a campaign speech in my candidacy for Congress. I desire to submit the address which was taken in shorthand as delivered, so that it may speak for itself. The amendment was defeated—and in my opinion, for that reason so was the bill.

"In speaking on this amendment, I want to say now that I don't think the partisan lines have been drawn by the Republican members of this Senate. I want to go on record as saying this, and as calling the Senate's attention to the fact that already by the crack of the party whip, and drawing of these party lines, this Senate has failed to adopt an amendment which meant a jury trial upon the questions in fact for alleged violations of this act. I want to say further that so far as my final vote upon this bill is concerned, it is not going to be because I am a Republican, or because I am a Democrat, but it is going to be based upon the condition of the bill as it is at that time, as presented to me to vote upon, and it is going to be based upon the effect of that bill upon the people of the State of Iowa and of my district. Those are things which I expect to weigh in considering my vote.

"Now the opposition to this bill is not an opposition to the Democratic National administration, to our President, nor to the administration of the National N. R. A. Lay aside at this time the question as to whether

we have a right to abdicate as members of this Senate the law-making right which has been given into our hands by our people; laying that question aside we should consider what this bill is going to mean to the citizenry of Iowa in its present form. And I beg of this Senate in the consideration of this amendment, to lay aside any partisanship, to lay aside any party lines, and to think what this amendment will mean to this bill for the people of Iowa.

"Now, in discussing this amendment, and in showing you upon what it is predicated and what has prompted it, I want to read an article. The amendment itself, as you know, simply says this, that the operation of this State N. R. A. bill shall not be operative in Iowa until the prices which the farmers receive for their products puts them into condition with their purchasing power so that they can compete with the people who are being protected by this act. That is all the amendment is, and that is all the amendment does. It is taking, if you please, the Senator from Appanoose at his word the other day, and the Senator from Wapello. None of us are opposing the good that may be accomplished by the N. R. A., and I think some good has been and is being accomplished by the N. R. A. No one wants to see it undone. But the N. R. A. is a National bill, it is being Nationally administered, it is in effect in Iowa, it has brought about reemployment in the State—no question about that. It has meant increased employment, but that has been because it has been Nationally administered. I don't blame the legislature of New York, the legislatures of New Jersey, Massachusetts, and the eastern seaport states which get their livelihood from the business of manufacturing for adopting a State N. R. A. bill. Why, it is right down their alley. But say, I wonder what the legislature of the state of New York would have done had they been asked to adopt a state law which would make the consumers of the state of New York pay for agricultural products and for food stuffs a price upon which the farmers of Iowa could pay their labor a decent wage, could pay their taxes, and could pay for products which they purchase. I wonder if we have reversed the order of things and if that is what we are doing in the N. R. A. bill, in its present form.

"We are putting a gun at the heads of our consumers, and we are demanding that they pay the prices upon which the eastern manufacturers can live and make a profit, without saying anything to those same consumers as to where the money is coming from which they are going to spend in the buying of these eastern products. And that is what this amendment is about, and that is what this amendment is for, and it has nothing to do with politics. I hope that it is considered from a non-partisan standpoint. I hope that it is considered from the standpoint of Iowa citizens, regardless of their politics, and of Iowa farmers, regardless of their politics.

"Here is what parity of prices means—let me read you a brief newspaper article which was in yesterday's Register and Tribune:

(Here the article was read.)

"And let me pause to say, that not only economists, but the National Emergency Farm Relief Act also was predicated upon this same time.

(Continuing with the article.)

"Now, Senators, I submit to you that although it has been the promise of this administration to bring back that parity, and the President himself has stated that in one way or another it would be accomplished—I say to you—that in enacting this N. R. A. bill into the laws and making them statutes of the State of Iowa, then we have the right to demand as a condition precedent that we be placed upon a parity, before we have the gun held to our heads.

"Now, it was said here the other day that we don't want to get the cart before the horse. Without some such amendment as has been filed here, we will not have the cart before the horse, but we will have the industrial cart of the east before a mule or an ass, because that is what we will be making ourselves, and we will be an Iowa ass pushing an industrial eastern cart ahead of us. That is what I think of this bill without such an amendment.

"Now, Senators, I know the point to be urged against this amendment. I know it is going to be urged that we have no right to sit here as a legislature and pass a law and say that its operation and effectiveness shall be something over which we have no control ourselves. I want to say to you that the Senator from Appanoose, I think, the other day made a very frank statement in regard to the whole bill itself. He said in ordinary times such a bill as this would be unconstitutional, but that under the guise of emergency, or that under the need of emergency, we had a right in this legislature to pass bills that we couldn't consider without such emergency. It was constitutional underneath the guise of this emergency to say that somebody back east should write our laws, and if he is right to that extent, then the same emergency exists, and the same emergency exists to a more certain degree in behalf of this amendment in the State of Iowa, to put such a condition into this law before it should become effective. I say that it doesn't make this bill any more illegal than it is now. And if you want to vote for this bill without this amendment on it, if you are going to crack the party whip against this amendment, if you are going to consider it from a partisan standpoint, then I want to say to you Senators, that you are cracking the whip in the face of the Iowa consumers, and at the Iowa farmers, because you have recognized in every particular by your legislation during this and the last session, that the real need in Iowa was to increase the farm prices so that we could bear high taxes and pay high prices for the things that we buy. I want to say to you that if this amendment is defeated, and if it is defeated upon party lines, I extend the challenge to you at this time that if it is defeated on account of Democratic opposition, you have placed the Democratic party in opposition to the farmers of this State and to the farming interests of this State, and if there is anything in this amendment that is going to cause anyone to get up on his feet and say that it is unfriendly to the bill and that it ought to be defeated on that account, I say to you that it may be unfriendly to the bill, but it is friendly to the farmers and the consumers of this State, and this bill should never be considered and never be passed without it.

E. R. HICKLIN.

EXPLANATION OF VOTE

MR. PRESIDENT: Using the privilege granted to members of the General Assembly by Section 10 of Article III of the Constitution of the State of Iowa, I wish to have printed in the journal the following explanation as to my vote against the motion to table House File No. 355, which is a bill to provide for Iowa co-operation in the program of the National Administration for Industrial Recovery.

The time to decide whether we shall have a Democratic Administration with its recovery plans has gone by. That decision was made by the American people and such administration is presenting a plan for national recovery. It is now a question as to whether we shall permit those recovery plans to have a fair trial with the sympathetic support of the whole country. Because I believe that such support should be given until these plans have been proven a failure, I voted against tabling House File No. 355, known as the Iowa Compliance Act.

It was argued against this bill that it would discriminate against a state like Iowa, which is an agricultural state. As I see it, this recovery plan must be looked at as a whole. Under that part of the recovery plan applying to agricultural relief, millions of dollars have been poured into Iowa to the benefit of farmers and business relating thereto. It would be manifestly unfair and narrow minded for those receiving such benefits to oppose another part of the industrial recovery plan while benefiting from that part applying directly to agricultural relief.

I am convinced there have been some beneficial effects in the country as a whole from the NRA Program, such as the elimination of sweat shops and child labor. I believe it should have a further fair trial until proven to be positively a failure. For these reasons I voted against tabling the bill for Iowa compliance in enforcement of the NRA Codes.

HOMER HUSH.

CALENDAR REFERRED

Senator Hicklin moved that the calendar be referred to the sifting committee.

Senator Elthon, as a substitute moved that all bills except House File 43 be referred to the sifting committee.

Roll call was demanded.

On the question "Shall the substitution be made?" the vote was:

Ayes, 21.

Anderson	Doze	Patterson	Stevens of
Aschenbrenner	Elthon	Pendray	Decatur
Beardsley	Hopkins	Roelofs	Tripp
Calhoun	Hush	Shangle	Valentine
Chrystal	Knudson	Stanley	Wenner
Coykendall	McArthur		

Nays, 26.

Baldwin	Byers	Frailey	Hill
Bennett	Carden	Geske	Husted
Booth	Fisch	Hicklin	Irwin

Kimberly	Miller of	Mullaney	Stevens of
Klemme	Buchanan	Nelson	Wapello
Leo	Miller of Jones	Reese	Topping
Meyer	Moore	Schmidt	Wilson

Absent or not voting, 3.

Beatty Harrington Ritchie

The substitution was lost. The motion prevailed.

HOUSE CONCURRENT RESOLUTION 14 CONSIDERED

Senator Calhoun called up the following resolution and moved its adoption:

Be It Resolved by the House of Representatives, the Senate concurring,
That the Forty-fifth General Assembly in Extraordinary Session adjourn, sine die, at 12 o'clock noon, Friday, March 9, 1934.

Senator Valentine offered the following amendment to the resolution and moved its adoption:

Amend by striking from lines three (3) and four (4) the words, figures and punctuation, "12 o'clock noon, Friday, March 9, 1934", and inserting in lieu thereof, the following: "8:00 o'clock post meridian, Monday, March 12, 1934".

By unanimous consent, on request of Senator Valentine the figures "8:00" were changed to the figures "5:30".

The amendment as amended was adopted.

The resolution as amended was adopted.

Senator Wilson asked unanimous consent that House File 142 be withdrawn from the sifting committee.

Objection was raised.

Senator Coykendall asked unanimous consent that House File 298 be withdrawn from the sifting committee.

Objection was raised.

Senator Tripp asked unanimous consent that Senate File 128 be withdrawn from the sifting committee.

Objection was raised.

SENATE FILE 247 ORDERED ENGROSSED

By unanimous consent, on request of Senator Stanley, Senate File 247, was ordered engrossed from the printed copy, due to the

fact that the original bill was mislaid by the committee on military affairs.

INTRODUCTION OF BILLS

Senate File 329, by committee on educational institutions, a bill for an act to establish and maintain a State Normal College at Tabor, Fremont County, Iowa, and to provide for the transfer of certain property to the State of Iowa for the use of said college.

Read first and second times and referred to sifting committee.

EXCHANGE OF SEATS

By unanimous consent, on request of Senator Miller of Buchanan, he and Senator Reese exchanged seats 20 and 44.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Hush from the joint committee on enrolled bills, submitted the following report, and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled, Senate Files 95, 68, 327 and 328.

HOMER HUSH, *Chairman Senate Committee.*
J. W. FRIZZELL, *Member House Committee.*

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, Senate Files 95, 68, 327 and 328.

BILLS SENT TO THE GOVERNOR

Senator Hush from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports they have on this 12th day of March, 1934, sent to the Governor for his approval, Senate Files 95, 68, 327 and 328. HOMER HUSH, *Chairman.*

Passed on file.

Senator Wilson moved that the Senate recess until the fall of the gavel.

The motion prevailed.

The Senate reconvened at the fall of the gavel.

Senator Irwin moved that the Senate resolve itself into executive session.

The motion prevailed.

EXECUTIVE SESSION

The Senate confirmed the interim appointment of Hon. Charles B. Murtagh, of Algona, Kossuth county, Iowa, as the State Comptroller of Iowa, for a term at the pleasure of the Governor.

The Senate confirmed the appointment of Colonel Charles W. Gatschet, of Des Moines, Polk county, Iowa, as a member of the Commission of Aeronautics, for the term beginning with his appointment and ending January 18, 1937.

The Senate confirmed the appointment of Mr. Ralph Cram, of Davenport, Scott county, Iowa, as a member of the Commission of Aeronautics, for the term beginning with his appointment and ending January 18, 1936.

The Senate confirmed the appointment of Mr. W. B. Swaney, of Fort Dodge, Webster county, Iowa, as a member of the Commission of Aeronautics, for the term beginning with his appointment and ending January 21, 1935.

The Senate arose from executive session and resumed regular session, President pro tempore Harold L. Irwin presiding.

COPIES OF JOURNALS ORDERED PRINTED

Senator Nelson moved that 1800 extra copies each of the journals for March 10th and 12th be ordered printed.

The motion prevailed.

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Valentine moved that the chair appoint a committee of three to wait on the Governor and notify him that the Senate was ready to adjourn sine die and to ascertain any further communication for the Senate.

The motion prevailed and the chair appointed Senators Valentine, Tripp and Wenner.

COMMITTEE TO NOTIFY THE HOUSE

Senator Topping moved that a committee of three be appointed to notify the House that the Senate was ready to adjourn sine die.

The motion prevailed and the chair appointed Senators Topping, Beardsley and Anderson.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in the Senate amendments to the following concurrent resolution in which the concurrence of the House was asked:

House Concurrent Resolution No. 14, relative to the sine die adjournment of the Forty-fifth General Assembly in Extraordinary Session.

VIRGIL LEKIN, *Chief Clerk.*

The journal of March 10th was corrected and approved.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the governor announcing that he had signed the following bills:

On the sixth day of March,

Senate File 276, an act to revise and modernize the military laws of the State.

Senate File 249, an act to make an appropriation to I. N. Salyers.

Senate File 258, an act to make an appropriation to B. Agard.

Senate File 261, an act to make an appropriation to Lewis G. Rodman, administrator.

Senate File 278, an act to make an appropriation to Viva Thackrey, Coleman Hospital, Doctors G. H. West and C. H. Miller, Fred J. Sternborg and Fred J. Sternborg, trustee.

Senate File 279, an act to make an appropriation to D. F. Wolfe.

Senate File 287, an act to make an appropriation to Elmer Williams.

Senate File 289, an act to make an appropriation to Staley Sales Corporation.

Senate File 288, an act to make an appropriation to Ben Terhark.

Senate File 314, an act to make an appropriation to Robert Harrison.

Senate File 292, an act to make an appropriation to Mrs. Olina Waltz.

Senate File 291, an act to make an appropriation to Roseoe W. Wilson.

Senate File 310, an act to make an appropriation to Leonard Ruback and Richard Ruback.

Senate File 290, an act to make an appropriation to O. D. Scholl.

Senate File 309, an act to make an appropriation to the Dallas County News and to C. W. Havenstein.

Senate File 307, an act to make an appropriation to A. R. Walton.

Senate File 306, an act to make an appropriation to I. J. Petri.

Senate File 296, an act relating to the appointment of a sanitation and quarantine officer.

Senate File 305, an act to make an appropriation to Nettie Mae Bennett and E. D. Marshall.

Senate File 304, an act to make an appropriation to Inter City Bus Line.

Senate File 303, an act to make an appropriation to Lyon County, Iowa.

On the tenth day of March,

Senate File 322, an act relating to uniform cost accounting and financial records of schools.

Senate File 18, an act requiring the use of safety equipment on motor vehicles.

Senate File 277, authorizing investment of funds by insurance companies in certain bonds.

Senate File 298, relating to civil service appointments and examinations.

Senate File 311, legalizing warrants issued by the council of the town of Wyoming.

Senate File 227, amending the law regulating the sale of securities.

Senate File 28, providing penalties for violation of section 4, article 1, of the Constitution of Iowa.

Senate File 42, providing for protection and welfare of aged persons.

Senate File 326, an act to amend House File 1.

On the twelfth day of March,

Senate File 203, relating to powers and duties of Iowa state fair board.

Senate File 324, legalizing proceedings of town council of Roland, Iowa.

Senate File 308, making appropriation to W. F. Bellamy.

Senate File 297, relating to paying of premiums on insurance for members of volunteer fire departments.

Senate File 294, making appropriation for expenses of Iowa Commission to Study Liquor Control Legislation.

Senate File 243, providing funds for development of the Iowa Twenty-five Year Conservation Program.

Senate File 68, making appropriation for use of State Board of Conservation.

Senate File 95, relating to salaries of deputy county officials.

Senate File 328, relating to tenure of office of members of aeronautics commission.

Senate File 327, making appropriation for typewriter rentals and miscellaneous expenses of extra session.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to adjourn sine die.

REPORTS OF SPECIAL COMMITTEES

The committee appointed to notify the House that the Senate was ready to adjourn sine die returned and announced it had performed its duty.

The report was accepted and the committee was discharged.

President N. G. Kraschel returned to the chair at 5:25 p. m.

The committee appointed to await the Governor's last message to the Senate reported that it had performed its duty, and the Governor sent the following:

SPECIAL MESSAGE TO THE LEGISLATURE

MR. PRESIDENT, MR. SPEAKER, SENATORS AND REPRESENTATIVES OF THE FORTY-FIFTH GENERAL ASSEMBLY IN EXTRAORDINARY SESSION:

Your committee has just informed me that you are about to adjourn and have invited any message which I care to send.

May I not just repeat the final word I sent to you upon the occasion of the adjournment of the Forty-fifth General Assembly regular session, that in my opinion that session had enacted more constructive legislation than any previous one within the history of the state? With complete honesty I can say to you that I believe this Extraordinary session of the Forty-fifth General Assembly has upheld that record.

By legislative enactment we have started Iowa government down new trails and I am proud to have been a part of this breaking away from old worn-out traditions and practices. I predict that in years to come the members of the General Assembly which had to do with the enactment of the more important measures of this Special Session will be remembered with gratitude by Iowa citizenry.

Respectfully submitted,

(Signed) CLYDE L. HERRING, *Governor*.

The report was accepted and the committee was discharged.

FINAL ADJOURNMENT

The hour of 5:30 o'clock p. m. having arrived, President N. G. Kraschel declared the Senate of the Forty-fifth General Assembly, in extraordinary session, adjourned sine die.

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IN MEMORIAM

Iowa State Senate

AMOS NORRIS ALBERSON.....	September 4, 1849-
WILLIAM S. BAIRD.....	June 3, 1863-May 12, 1933
A. H. BERGMAN.....	March 12, 1872-November 2, 1933
GEORGE W. CHRISTOPHEL.....	December 7, 1881-November 13, 1932
ALBERT M. FELLOWS.....	March 1, 1864-March 17, 1932
HENRY W. GROUT.....	March 24, 1858-June 28, 1932
R. A. HASSELQUIST.....	December 4, 1850-February 28, 1932
GEORGE W. HENDERSON.....	April 19, 1833-October 22, 1927
JAMES H. JAMISON.....	March 11, 1860-1933
JOHN H. JUDD.....	1860-1932
JOHN N. LANGFITT.....	May 9, 1866-August 5, 1932
WILLIAM B. SEELEY.....	March 4, 1862-April 15, 1933
ISAAC N. SNOOK.....	1848-November 2, 1931
JOHN C. TUCK.....	May 20, 1867-May 16, 1931
JOSEPH WALLACE.....	January 26, 1858-March 12, 1933

JOURNAL OF THE SENATE

MEMORIALS

AMOS NORRIS ALBERSON

The committee appointed to prepare a suitable memorial commemorating the life and service of the Honorable Amos N. Alberson, late of Washington, Iowa, submitted the following brief memorial:

Honorable Amos N. Alberson was born at Orange, Ashland county, Ohio, September 4, 1849. His father, James Alberson, the county judge, gave him a common school education.

In 1872, he came to Iowa and settled in Washington, where he continued to live. He was engaged as a contractor and builder until 1881, when he gave up his trade and entered the grocery business. In 1920, he sold his business and retired.

The name of Amos N. Alberson was almost a household word with every family in his home town. Having been in the grocery business for forty years, he was acquainted with nearly every family in the city. Through his congenial and liberal disposition he made friends with all who knew him. This confidence was shown by their placing him in the position of mayor of the city for four terms. In this office he displayed such unusual business ability that he brought credit, not only to himself, but also to the city to whose interests he was devoting the best efforts of his life.

He was not only a success in his business, but also in his social, religious, and fraternal connections. He had been a member of the official board of the Methodist Church for thirty-five years, leader of the choir for fifteen years. For many years he was a member of the school board. He also attained high rank in the lodges of his town. Having held all of the different offices in the Masonic Order in his local lodge, he was promoted to the position of Tyler of the Iowa Grand Lodge, and later elected to the position of Grand Master, it being the highest office in the State Masonic Order of Iowa.

He was also a member of the Knights Templar Order of his home town, then promoted to the position of High Priest of the Grand Chapter in 1894, Commander of the Knights Templar in 1909.

He served his county in the House of Representatives during the Twenty-seventh General Assembly and later was elected State Senator from the district of Washington and Henry, serving with credit to his constituency during the Twenty-eighth General Assembly.

He was married on January 7, 1874. His wife preceded him in death, in 1919. He leaves three children, Raymond B. Alberson, General Counsel

for the Bankers Life Insurance Company of Des Moines; two daughters, Mrs. H. A. Boyer and Mrs. Garth H. Deuel, both of Moravia, California. Mr. Alberson spent the closing years of his life with his daughters.

In the passing of such a helpful and distinguished citizen, the city of Washington and the entire state of Iowa have suffered a real loss.

The committee directs that a copy of this memorial be printed in the Journal of the Senate, and a copy hereof be transmitted to the family.

WILLIAM CARDEN
FRANK M. BEATTY
E. R. HICKLIN

Committee

WILLIAM S. BAIRD

The committee which was appointed to prepare a memorial commemorating the life, character, and service of the late Senator William S. Baird of Council Bluffs, Iowa, beg leave to submit the following:

Senator William S. Baird was born at Council Bluffs, Iowa, on the third day of June, 1863. After finishing the public schools he entered Cornell College, Mt. Vernon, Iowa, from which school he graduated in 1884. Three years later, he was admitted to the practice of law in the state of Iowa.

On January 9, 1895, he was united in marriage to Anna E. Wood. To this union were born six children of whom John W., Robert M., and Donald P., now survive. In 1930, Senator Baird married Cecelia B. Mulqueen, who lives to mourn his passing.

For many years he was a director of the State Savings Bank in Council Bluffs. In 1918, Senator Baird was elected to the position of Vice President and Trust Officer in this bank, which position he held until his death.

He was kind, considerate and generous—serving well in every capacity in which he was engaged. During his career he was a trustee of Cornell College. He was also a trustee of the free public library in Council Bluffs.

Senator Baird was active in the interests of his community both civic and social. His fraternal affiliations included membership in the Masonic order and Knights of Pythias.

He was a prominent Republican and his death on the twelfth day of May, 1933, was a severe shock to his family and many friends.

Senator Baird was elected to the Iowa State Senate from Pottawattamie county in 1920 and served in the Thirty-ninth, Fortieth, Fortieth extraordinary, Forty-first, Forty-second, Forty-second extraordinary, and Forty-third and Forty-fourth General Assemblies. He is remembered by those who served with him as a conscientious, dependable and outstanding member of the Senate. He was an honor to his district and state and although his labors are ended, the good he did lives after him. It is with real sorrow that the Iowa Senate takes note of his passing, for the loss occasioned by the passing of this sterling and worthy public servant cannot be easily forgotten; his duty as a citizen and statesman

was always well and ably done; his long life as a neighbor, benefactor and friend gives just cause for pride to our people; and by this memorial we tender our sympathy to the family who survive.

The committee directs that a copy of this memorial be spread upon the Journal of the Senate and that the secretary be directed to send an engrossed copy to the family of the deceased.

MORRIS MOORE,
WILLIAM CARDEN,
CHAS. D. BOOTH,
Committee

A. H. BERGMAN

The committee appointed to prepare a memorial commemorating the life, character and public services of the Honorable A. H. Bergman, a former member of the General Assembly of Iowa, begs leave to submit the following:

Honorable A. H. Bergman was born on a farm eight miles north of Newton, Iowa, on March 12, 1872, where he spent his boyhood days. He graduated from the rural public schools and then entered a business college in Des Moines, Iowa, from which he graduated in the year 1890. In 1893, as a partner, he entered the business of manufacturing the Parsons Band Cutter and Self-Feeder. Seven years later he entered the business of manufacturing washing machines, in which business he was interested up to a short time prior to his death. He was elected president of the First National Bank of Newton, Iowa, in 1925, which position he held for several years.

He was married to Miss Madge Stevens of Newton, Iowa, on November 26, 1902, and lived in Newton during his entire married life.

In 1922 he was elected State Senator from Jasper county, and was re-elected in 1926. During his terms in the legislature, he was keenly interested in all legislative measures, but more especially legislation looking toward good roads, and in fact is known as the "father" of the first Gasoline Tax Bill in Iowa. His work and energy given for the betterment of secondary roads, and the laws passed by reason of such work and energy, are well known to all citizens of Iowa. Next to good roads legislation, he was vitally interested in legislation in connection with banking and agricultural activities.

Mr. Bergman was stricken with paralysis in March, 1930, from the effects of which he never recovered, and on November 2, 1933, at 8:45 p. m., the Great Architect of the universe called this former Senator across the bar to that Great Beyond.

Mr. Bergman was extremely interested in all local and community affairs, and took an active part as a community builder, and to any worthy cause he gave his personal attention; no question was too large or too difficult. He was progressive, but not destructive; he was conservative, but not reactionary; he was kind and charitable to the people

of his community and the state, and was always willing to lend a helping hand; and, as a citizen and friend, he worked among his neighbors doing good. A man of unimpeachable character, unassuming, painstaking, and industrious; he played an important part in the politics, legislation and business of the state. He has left a record of which his wife, relatives and friends will always be proud.

In the passing of A. H. Bergman, the state has lost a valuable and honored citizen, a man of strong character and sterling worth, and the Senate of Iowa, by this memorial tenders its heartfelt sympathy to his wife and his immediate family who survive.

The committee directs that a copy of this memorial be spread on the Journal of the Senate as an expression of the life and worth of the deceased, and that an engrossed copy thereof be transmitted to his wife.

D. MYRON TRIPP,
J. R. FRAILEY,
GEO. A. WILSON,

Committee.

GEORGE W. CHRISTOPHEL

The committee appointed to prepare a suitable memorial commemorating the life and service of the Honorable George W. Christophel, late of Bremer County, Iowa, submitted the following memorial:

George W. Christophel was born in Herscher, Illinois, December 7th, 1881. He came to Iowa in 1904 and settled on a farm in Bremer County. Two years later he was united in marriage to Miss Edith Wehling of Reddick, Illinois. To this union four children were born. Besides his wife, he is survived by his four children, namely: Floyd, Clarence, Mildred and Luella, all of Waverly. In 1913, he and his family purchased a farm three miles northwest of Waverly, which since has been the family home.

He was a devoted member of the First Evangelical Church most of his life and was faithful in attendance at its services, and was the beloved instructor of a Sunday School class of young men, six of whom acted as his pallbearers. Mr. Christophel has been active along many lines. At the time of the organization of the Farm Bureau in Bremer County, he was chosen as its first president, and at the time of his death he was also serving as president. He was also president of the Bremer County branch of the Reload Association. He was one of the first group of twelve men chosen as "Master Farmers" of Iowa, a movement which was sponsored by Wallaces' Farmer, and the choice was one which met the unqualified approval of all who knew Mr. Christophel's farm methods. He was recognized in many state circles. He served as a member of the House of Representatives in the Forty-first, Forty-second and Forty-second Extra General Assemblies, and was also a member of the Senate in the Forty-third and Forty-fourth General Assemblies.

He died November 12, 1932, from a stroke of paralysis, at the age of 51.

The committee directs that a copy of this memorial, expressing the Senate's appreciation of the life, character and public service of the Honorable George W. Christophel, be spread upon the Journal of the Senate, and an enrolled copy thereof be sent to the family of the deceased.

L. H. MEYER,
EDW. J. WENNER,
LAFE HILL,

Committee.

ALBERT M. FELLOWS

The committee appointed to prepare a suitable memorial commemorating the life, character, and services of Albert M. Fellows, late of Allamakee County, Iowa, submitted the following brief memorial:

Albert M. Fellows of Lansing, Iowa, Senator from the fortieth district during the Thirty-fifth, Thirty-sixth, Thirty-seventh, and Thirty-eighth General Assemblies, was born in Center Township, Allamakee County, March 1, 1864. He succumbed suddenly on March 17, 1932, to an attack of coronary thrombosis at the Lutheran Hospital, LaCrosse, Wisconsin, where he had been taken that same day from his home in Lansing.

He was the worthy son of a notable father, Judge L. E. Fellows, who served in the Eleventh, Twelfth, and Thirteenth General Assemblies.

He completed his grade school and high school training in Lansing, and later was graduated from Upper Iowa University at Fayette.

In his early manhood, Mr. Fellows was associated with John Robson of Lansing in the lumber and mill business. From Mr. Robson he received excellent business training, and, in 1900, succeeded him as head of the large Lansing Lumber Company. He established branch yards at Waterville, Iowa, and Taopi, Minn. He maintained an interest only in the Taopi yard at the time of his death, having sold his other lumber properties several years previous, following a very successful period of ownership.

Miss Elsie Smith of Cresco became the bride of A. M. Fellows on Sept. 4, 1889. To them were born six children, who besides his widow survive him. They are: Nerma (Mrs. E. H. Wagner) of Riverside, Illinois; Dr. L. E. Fellows, Newton, Iowa; Milton of Minneapolis; Donald of Lansing; John of Chicago; and Kenneth of Waukon.

Senator Fellows leaves behind him a long record of public service and association in civic enterprises. He was a Shriner and member of the Masonic order for more than 44 years, a charter member of the Order of Eastern Star, and affiliated with the Lansing Kiwanis chapter.

He was a member and president of the school board of Lansing for more than 15 years, served on the city council, and later was mayor

of Lansing for more than 16 years. He was always prominent in Republican politics and was chairman of the county convention on numerous occasions, besides representing the party at both state and national conventions. He was president of the Peoples' State Bank of Lansing from the time of its organization, in 1911, until his death.

Mr. Fellows' death was keenly felt in Lansing and vicinity where people had been in the habit of constantly coming to him for advice, suggestions and ideas. His level headedness, his excellent judgment, and his rare diplomatic powers were never questioned.

In the state legislature his activities and character brought him influence and respect such as were bestowed upon few during his eight years of service in that body. He was chosen to serve on many committees during each term, his work as chairman of the educational institutions committee being particularly noteworthy.

In the death of Albert M. Fellows the people of Allamakee and Fayette counties, and the people of the entire state of Iowa have sustained a great loss.

The committee directs that a copy of this memorial be printed in the Journal of the Senate and an engrossed copy be forwarded to the family of the deceased.

T. W. MULLANEY,
J. R. FRAILEY,
M. X. GESKE,

Committee.

HENRY W. GROUT

The committee which was appointed to report concerning the life, character and service of the late Honorable Henry W. Grout, submitted the following brief memorial:

Henry W. Grout was born in Waterloo, Iowa, March 24, 1858, the son of Mr. and Mrs. Samuel B. Grout. At the age of 74 years he died in Waterloo, Iowa, June 28, 1932, at the President Hotel, while making an address before the Optimist Club—carrying on, exemplifying his character, until death called.

He was educated in the public schools of Black Hawk county, and in Field Seminary in Waterloo.

Senator Grout was a successful traveling salesman; a farmer of systematic, practical and scientific attainments; a large land owner, possessing an abiding faith in the soil and particularly in that of Iowa; a good Christian; a man of good, sound business judgment, outspoken and fearless.

The remarkable achievements of a busy and useful life were: Redeeming, while yet in his teens, the mortgage on his father's farm; putting into operation a perpetual care-taking program for one of Iowa's most beautiful cemeteries, Fairview at Waterloo, in which cemetery he is buried; and last, but not least, his wonderful collection of specimens and relics, historical reminders of Iowa's growth and development. The

collection is now in the Black Hawk County Court House, but is soon to be housed permanently in the new Y. M. C. A. building in Waterloo. Without a doubt it is the largest individual collection in the state, and is a source of study, interest, and pleasure to the public, and especially to the growing boy.

Senator Grout was married twice. On December 29, 1892, he married Mrs. Olive Wright Wilson, who died August 30, 1910, and September 3, 1914, he married Miss Agnes A. Perry of McHenry, Illinois, who survives.

He was a member of the First Baptist Church of Waterloo, various Masonic bodies, the State Historical Society, and of the Iowa Society, Sons of the American Revolution.

Senator Grout was a member of four legislative sessions. He represented Black Hawk county in the House during the Thirty-fourth and Thirty-fifth General Assemblies. He represented the Thirty-eighth District, Black Hawk and Grundy counties, in the Thirty-sixth and Thirty-seventh General Assemblies.

Henry W. Grout, a good man living a clean, happy and contented life, and finding time and pleasure in doing for others.

Of Senator Grout it might be said that his life was the exemplification of the words of George Linnaeus Banks:

"I live for those who love me,
For those who know me true,
For the heaven that smiles above me
And waits my spirit, too;
For the wrongs that need resistance,
For the cause that needs assistance,
For the future in the distance
And the good that I can do."

In the death of Henry W. Grout, the people of Black Hawk and Grundy counties, and the people of the entire state of Iowa, have sustained a great loss. Everywhere he was known as a man honored and trusted, a man of sterling quality and irreproachable character.

The committee directs that a copy of this memorial be printed in the Journal of the Senate, and a copy thereof be transmitted to the widow.

EDW. J. WENNER,
H. C. WHITE,
D. W. KIMBERLY,

Committee.

R. A. HASSELQUIST

The committee, appointed to prepare a suitable memorial commemorating the life and service of the Honorable R. A. Hasselquist, late of Chariton, Lucas county, Iowa, submitted the following brief memorial:

R. A. Hasselquist was a native of Sweden, born December 4, 1850, and lived there until about eighteen years of age, when he came to America, landing in the city of New York on the 17th day of April, 1869.

His first employment was found at Princeton, Illinois, where he entered the service of the Chicago, Burlington & Quincy Railroad Company as a bridge carpenter.

In 1872 he came to Lucas county, Iowa, and assisted his father with his farm work. Later, he entered the employment of the firm of J. Braden & Company of Chariton, as a salesman. After a few years he opened a store in the town of Russell, where he did a thriving business for sixteen years. At the end of that time he sold his stock of merchandise and moved to Chariton, where he entered business pursuits again, retiring a few years later.

He was married to Laura Davis of Russell, Iowa, February 26, 1873, and to this union two children were born, Lawrence A., now residing at Omaha, Nebraska, and Elmer H. of Chariton. The former is a traveling salesman and the latter is the assistant postmaster at Chariton. Mrs. Hasselquist died a few years prior to his demise and his two sons are his sole survivors.

Mr. Hasselquist always took a deep interest in politics and was an ardent republican. It was no surprise to his many friends when he was elected to the legislature, serving with distinction in the House of Representatives during the Twenty-eighth and Twenty-ninth General Assemblies. At the expiration of his second term he was elected to serve the people in the Senate, where he took an important part in shaping legislation in that body.

Before the expiration of his senatorial term, Mr. Hasselquist was appointed postmaster at Chariton and held this position during the Roosevelt and Taft administrations, retiring when relieved by the election of Woodrow Wilson.

It can be truthfully said of Mr. Hasselquist, that by reason of his splendid abilities, pleasing disposition, love of hard work, he made a splendid official, no matter what position of trust he was called to fill.

He took an active part in all public affairs, was strictly honest, and had the good will and confidence of all.

Mr. Hasselquist was naturally a religious man. In his homeland he was brought up in the Lutheran faith, but after his marriage he and his wife united with the Presbyterian church and he was a faithful worker in all the activities of that church until a short time prior to his death.

In the death of the Honorable R. A. Hasselquist the state has lost an honored and valued citizen, and a man of high ideals; and the committee directs that a copy of this memorial be spread upon the Journal of the Senate, and that the Secretary of the Senate be directed to forward an engrossed copy to the sons of the deceased.

J. E. DOZE,
WM. H. KLEMME,
D. W. KIMBERLY,
Committee.

GEORGE W. HENDERSON

The committee appointed to prepare a memorial commemorating the life and public service of one of northwest Iowa's venerable pioneer farmers, railroad builders, soldiers, legislators, and public-spirited citizens, the Honorable George W. Henderson of Garfield Township, Pocahontas County, Iowa, begs leave to report that it has turned to the files of the Rolfe Arrow and to an article prepared for that newspaper by its editor, the Honorable Marion Bruce, who now represents Pocahontas County in the House of Representatives, and who for more than fifty years was a neighbor and personal friend of the late Senator from the Fiftieth Senatorial District of Iowa.

Senator George W. Henderson, venerable pioneer, soldier, farmer, and politician, after putting ninety-four and one-half years of real life behind him, peacefully went to sleep at his home, Highland Farm, southeast of Rolfe, Saturday, October 22, 1927. To our mind he was one of the most remarkable old men in Iowa. He saw Iowa almost in its virgin state, watched it develop into one of the greatest producing states of the Union, retained his faculties to the end, and did not quit life until the machinery wore out. His last day on earth, he ate his meals and only a few moments before the call came he was assisted to his bed. A few days before he had been to Rolfe, making his customary rounds. Only during the last two or three years of his life had his step lost his elasticity and his body begun to stoop from the weight of years it carried. He kept himself well posted on current events, and to the last was able to ably discuss them. He was not one who was continually referring to the "good old days" but said, "These are the best days of my life." In other words, he kept up-to-date and enjoyed seeing the world advance.

George W. Henderson was born near Springfield, Sangamon county, Illinois, April 19, 1833. He was the son of John H. Henderson, a Kentucky pioneer, and Elizabeth Powell, the daughter of an old North Carolina family. Shortly after their marriage in 1827, they located in La Salle county, Illinois, and made their home near Ottawa, where the father died. Here amid the privations of pioneer life, young George, eighteen years old, became the main support of his mother and six smaller children.

No schools had been established and George was twelve years old before he ever saw a school house; but he was the son of educated parents and had the advantage of their culture. Three years of schooling was all he actually received, but his extensive reading and active interest in good government and the advance of civilization made him a man of real culture in early life. He learned the "art of doing things" through the multiplied activities of pioneer life, and was always ready with his splendid strength to take the heavy end of every job.

His pioneering interests took him to Iowa at any early age and he settled at Masonic Grove, now Mason City, in 1855, and there engaged in milling operations with Judge E. Randall, who was later his father-in-law, and there operated with Judge Randall the first saw mill, first flour mill,

and first lime kiln in that part of Iowa. Nearly all of the first houses built of lumber in Mason City were built of lumber sawed by these men.

On December 18, 1856, he was married to Martha Ann Randall, eldest daughter of Judge E. Randall of Mason City. In 1861, he enlisted in the 14th Iowa Infantry Volunteers and was transferred to Company M, 7th Iowa Cavalry, and served three years and forty days in the Union Army. Upon his discharge, he took up the duties of citizenship with the same zeal that had marked his service in the army. He was honored by many positions of trust wherever he made his home. In 1875, he moved his family to Sac county, and in 1882 moved to Garfield Township, Pocahontas county, where he established Highland Farm, which has been the family home for more than fifty years. Mr. Henderson served the Fiftieth Senatorial District, consisting of Buena Vista, Pocahontas and Humboldt counties, in the Twenty-fifth and Twenty-sixth General Assemblies of Iowa, also the special session which codified the Code of 1897.

Mr. Henderson was largely influential in securing the first railway to enter Mason City. He was sent from his home town to the meeting of railway officials and presented the advantages of a line to that thriving little town so vigorously that the railway came that way. He was deeply interested in schools and was president of the school board that planned and built the first high school in Mason City. He contributed to the building of every college in his part of Iowa. The Methodist Church received financial support and strong moral backing from him, throughout his long life. All plans for community betterment met with his approval and received his support. He kept himself well informed, and to live with him was equivalent to a liberal education.

He was a believer in representative government and deplored the use of the word "politics" to express contempt. "Politics is the science of good government", he often said. "Why put odium on a good word because some will play dirty politics"? He was a member of the first Republican Convention, which was held at Iowa City, representing a large part of the northern section of the state when the party was organized at Iowa City. He was always a leader in the discussion of party issues, seldom asking any favors for himself. His term in the Senate was the result of his loyalty to the party and to good government at home. He was always a "regular" and had great faith in his party, and could give reasons for such faith.

Mr. and Mrs. Henderson had four children. The eldest, being the only boy, died at Sac City at about the age of 20 years. Kate Henderson, the second child, married but lost her husband by death due to the rigors of pioneer life, and as a widow raised her three children, and in 1907 married Hon. J. A. Crummer, who was a representative in the Thirty-third General Assembly. One daughter, Mrs. George Barnes of Boise, Idaho, is the only child living at this writing, the youngest also having died in 1914.

Few but Mr. Henderson's family knew of his life-long study of nature in woods, prairie, lake, stream and rock quarry. He could name every species of tree in Iowa forests and recognize all the herbs and flowers

of the prairie. He also was a student of the habits of wild fowls and animals. He located his farm near the Des Moines River because of the woods, the water, and the rolling land, which made a beautiful site for a home. But all of his achievements and qualities melt into insignificance beside the strength and beauty of his character and his life. His family may well feel proud of what he did, the service he rendered to home and country, but what he was in his great kindness, patience, cheerfulness, and love should be the real source of their appreciation. His sturdy adherence to honesty was always tempered with mercy. No passing prejudice ruled him, and he often admonished others to take for their rule the great law of kindness. He was a lover of good literature and reading was ever his recreation at home. The best newspapers and magazines were available there. He was an adept at reading old poems, and his quaint humor, always to the point, made him an excellent entertainer.

The people of northern Iowa were much afraid of the Indians, and had just reasons for their fears. After the so-called grindstone war at Clear Lake, the pioneers gathered at Masonic Grove (Mason City) for protection. Mr. Henderson and a scout friend followed the Indian marauders into Minnesota, keeping under cover until they overtook the offenders in a big camp of reputedly friendly Indians. The chief apologized and promised good behavior of his braves in the future. Mr. Henderson did not blame the Indians as much as the Whites for this unhappy incident. Returning from his scouting trip by way of Spirit Lake, he blazed out a claim at what is now Pillsbury Point at West Okoboji, and he and his friend finally arrived at Masonic Grove where they were hailed with joy, as all thought they had fallen victims to the tomahawks of the Indians. Later, Mr. Henderson sold his claim at the Lakes to Gardner and Luce, who moved their families there and became victims of the Spirit Lake Massacre a few years later. Mr. Gardner was the father of Abbie Gardner Sharp, who was carried into captivity by the Indians and is one of the state's best known historical characters.

Mr. Henderson was an expert sawyer and when in the army was detailed to build Ft. Sully and Ft. Randall. His services were invaluable to the government as a scout and in carrying messages during the Civil War. He was a tireless walker and made many trips to unexplored points on foot. When the Iowa Land Office was opened in Des Moines in 1865, he walked to that place from Mason City to file on a claim, carrying the necessary \$200 fee on his person.

In the death of Honorable George W. Henderson the state has lost a venerable pioneer and influential citizen, and the members of the Senate extend to his relatives and friends their sincere sympathy and the committee directs that a copy of this memorial be spread upon the Journal of this Senate and that the secretary be directed to forward an engrossed copy to the family of the deceased.

W. R. RITCHIE,
G. W. PATTERSON,
LEO ELTHON,

Committee.

JAMES H. JAMISON.

The committee appointed to prepare a memorial commemorating the life and public service of the Honorable James H. Jamison, State Senator from the Eleventh District, beg leave to submit the following:

James H. Jamison was born of American parentage on a farm near Osceola, Clark county, Iowa, on March 11, 1860. He received his education in the academy at Garden Grove, Iowa, and the Normal School at Valparaiso, Indiana. He was admitted to the bar in 1891 and practiced his profession in Osceola, the county seat of Clark County, until about the year 1910, at which time he moved to Des Moines, Polk county, Iowa, and became actively engaged in the insurance business. He was elected Senator in 1891, and served during the Twenty-fourth and Twenty-fifth General Assemblies. He was reelected Senator in 1903, and served during the Thirtieth, Thirty-first and Thirty-second General Assemblies.

Mr. Jamison was a gentleman of high integrity and attainment and served with distinction as a legislator. In later years, he was an outstanding insurance executive of Iowa. He died in the year 1933, and left a large circle of friends throughout the state, who had learned to love and admire him for his many good traits and his sterling character. Of Senator Jamison it can be truthfully said that his district and state were made much better because of his having lived.

In the passing of the Honorable James H. Jamison the state has lost a valuable and honorable citizen, a man of strong character and sterling worth, and the Senate of Iowa will by this memorial tender its sympathy to his relatives and friends.

The committee directs that a copy of this memorial be spread upon the Journal of the Senate as an expression of the life and worth of the deceased, and that an engrossed copy be transmitted to his immediate family.

WM. S. BEARDSLEY
JOHN N. CALHOUN
CLAUDE STANLEY

Committee

JOHN H. JUDD

The committee appointed to prepare a suitable memorial commemorating the life and public service of the late Honorable John H. Judd of Chariton, Iowa, beg leave to submit the following report:

John H. Judd was born near the city of Burlington, Iowa, in the year of 1860, and at the time of his death was seventy-two years of age.

At the age of fourteen years, having been left an orphan, he came to Lucas county, Iowa, and made his home with an uncle, assisting him with the farm work for several years, going to school during the winter months and acquiring a fair common school education.

On arriving at man's estate, he was married to a Miss Etter and to this union there were born five children, David, James and Mrs. Harry Carlson, all of Chariton; Mrs. Chas. Baughman of Russell, Iowa, and

Mrs. Martin Willoughby of Casper, Wyoming. Mrs. Judd died many years ago, and about two years ago he was united in marriage to Mrs. Rash, who survives him.

During his life his occupation was that of a farmer, working at times as a carpenter. Retiring from active work several years ago, he moved to Chariton to spend his declining years. He took an active part in all public affairs, and was always ready to assist in protecting the people in their natural rights. He was by nature a strong democrat and identified himself with the democratic party, taking an active part in every political campaign. Because of his rugged honesty, he gained the good will and confidence of the people of his senatorial district, and was elected to the State Senate in November, 1932. He was a good citizen, honest and upright, and will be missed in the community in which he lived.

This memorial shows the Senate's appreciation of the life and public service of the Honorable John H. Judd, and the committee directs that a copy of the memorial be spread upon the records of the Senate, and an enrolled copy be sent to the family of the deceased.

CARL ASCHENBRENNER
WM. S. BEARDSLEY
JOHN K. VALENTINE

Committee

JOHN N. LANGFITT

The committee appointed to prepare a suitable memorial commemorating the life and service of the Honorable John N. Langfitt, late of Adair county, Iowa, submitted the following brief memorial:

John N. Langfitt was born at Big Rock, Scott county, Iowa, May 9, 1866. He attended the rural schools, Wilton Academy, and Davenport Business College. In 1887, he came to Adair county to the farm occupied as his home at the time of his death.

On May 26, 1892, he was married to Clara A. Martin, daughter of the late W. B. Martin of Des Moines. Mrs. Langfitt preceded him in death, July 14, 1924. He has four surviving children: Harry M., Bernice L., Mildred and John N., Jr. Following his marriage he lived in western Washington for a few years, returning to Greenfield in 1898.

He was united with the Presbyterian Church soon after coming to Adair county, and was a member of Crusade Masonic Lodge, Greenfield, and of the Des Moines Consistory.

His interest in the political and civic activities of his community began as a member of the board of trustees of the Presbyterian Church, serving in this capacity for forty-five years, and as chairman of the board for twenty-five years.

He was chosen to represent Adair county in the State Legislature in 1917 and 1919. Following his two terms as Representative, he was elected to the office of State Senator from the Adair-Madison district, where he served from 1925 to 1932.

He died at the Iowa Methodist Hospital in Des Moines on August 5, 1932, after an extended illness of over two years.

John N. Langfitt was a typical product of his day and generation, representing the best type of the sons and daughters of the early pioneers, who made a valuable contribution to Iowa history. Of unimpeachable character, unassuming, painstaking and industrious in the part that he played in the history of politics, legislation and business of the state, he has left a record of which his family and friends will always be proud. He was one of the builders and not underminers of the commonwealth. The welfare of the people whom he represented was always his chief concern. He will be remembered, by those who knew him, as a man of outstanding worth.

In the death of Senator John N. Langfitt, the state has lost a worthy and influential citizen and the members of the Senate extend to his relatives and friends their sincere sympathy, and the committee directs that a copy of this memorial of respect and appreciation be printed in the Journal of the Senate and that the Secretary be directed to forward an engrossed copy to the family of the deceased.

ORA E. HUSTED
CHAS. D. BOOTH
GEO. M. HOPKINS

Committee

WILLIAM B. SEELEY

The committee appointed to prepare a memorial commemorating the life, character and public service of Honorable William B. Seeley of Mt. Pleasant, Henry County, Iowa, begs leave to submit the following report:

Senator William B. Seeley was born in Harrison township, Lee county, Iowa, March 4, 1862. After attending the local schools at Primrose, he attended Elliott's Business College at Burlington. Later he graduated from the law department of the State University at Iowa City with the class of 1886, with the degree of L.L.B. Upon his return to his old home, he was associated with his father in extensive agricultural, real estate and financial interests. This association continued until the death of his father.

In 1890, Mr. Seeley was married to Miss Elizabeth Ketcham who was a daughter of the old and highly respected pioneer Ketcham family of Van Buren county. Mr. and Mrs. Seeley made their home at what today is still known as the Clover Lawn farm, west of Le Crew station. This home is still owned by the family. The children were born there, and lived there until in 1900, when the family moved to Mt. Pleasant, which has been their home ever since.

The arrival of Senator Seeley and his family in the city of Mt. Pleasant was welcomed by the citizens of not only the city but also of the entire county. His reputation as a citizen of high ideals and splendid business

ability had preceded him, and he soon became a prominent figure in the business interests of the town and county.

He was soon called into active service by his fellow citizens to be a member of the Board of Trustees of the Public Library, also to serve as a member of the city school board. His good judgment and splendid executive ability also attracted the attention of both Parsons College in Fairfield and his own home Iowa Wesleyan College in Mt. Pleasant, for both of whom he gave his careful counsel and sound judgment as a trustee for many years. He was one of the leading members, as well as an official, of the Presbyterian Church of his home city.

Several years ago, through the death of a brother, he was left the responsibility of placing his estate in some worth while institution and he builded and presented to the city of Mt. Pleasant a very fine Y. M. C. A. building at the cost of \$80,000.00.

He was a republican in politics and, while filling many minor offices for his party, he was distinctly honored by being elected to the position of State Senator from the counties of Henry and Washington, serving most ably during the Thirty-second and Thirty-third sessions of the General Assembly of Iowa.

Senator Seeley is survived by his wife, two daughters, Mrs. W. D. Lodwick of Winnetka, Illinois, and Mrs. C. B. Morton of River Forest, Illinois, and one son, Ben E. Seeley, who lives in Mt. Pleasant.

In the passing of Senator Seeley, Mt. Pleasant and Henry county have lost one of their highest type of citizens. He was born and reared under the influence of the staid and substantial pioneer father and mother of our early days, and his early training was that of strict integrity, faithfulness to duty, fine ideals of business affairs, and the highest conception of morality and Christian standards of living.

Seldom has there been found a finer type of citizenship than was possessed by the very capable and distinguished citizen, former Senator William B. Seeley.

The state of Iowa and its people have lost a capable and distinguished citizen; and the members of the Senate hereby tender their sympathy to the bereaved family.

The committee directs that a copy of this memorial be printed in the Journal of the Senate and an engrossed copy be forwarded to the family of the deceased.

WILLIAM CARDEN,
J. R. FRAILEY,
JOHN N. CALHOUN,
Committee.

ISAAC N. SNOOK

The committee appointed to prepare a memorial commemorating the life and public service of the Honorable Isaac N. Snook, State Senator, beg leave to submit the following:

Isaac N. Snook, a member of the Senate from the First District of Iowa in the Fortieth, Fortieth Extraordinary and Forty-first General Assemblies, was born in Union county, Pennsylvania, in the year 1848, and died at his farm home in Lee county, Iowa, November 2, 1931. In 1854, his parents brought him, his four brothers, and four sisters to Iowa, to establish a western home. The family was five weeks on the road and came in two covered wagons. They settled in Lee county, two miles north of West Point, in June, 1843. Here the Senator grew to manhood. He obtained his education in the old Farmers' College. At the age of twenty-three he married Rachel Box, five years his junior. Six children were born to this union, Ola Dell, Crilla Alice, Edward, Frank, Emmet, Gertrude and Charles I. The eldest girl, when fifteen years of age, had the responsibility for the rest of the family, as the wife and mother died at that time.

All his life Senator Snook was engaged in various agricultural pursuits. He served his township sixteen years as justice of the peace, and held all township offices. He was president of the Iowa Threshermen's Association for fourteen years, and was national director for Iowa. He operated a threshing business for fifty-six years.

Senator Snook typified all of the rugged and sturdy characteristics of the pioneers who made the great Commonwealth of Iowa what it is today. He was a man of indomitable energy, and through his life exemplified the characteristics of honesty and industry that made him a success. He was an affable, simple hearted and kindly gentleman, and he has left his influence upon the community in which his long life was spent.

The committee directs that a copy of this memorial be spread upon the Journal of the Senate as an expression of the life and worth of the deceased, and an engrossed copy be transmitted to his daughter, Miss Ola Snook, West Point, Iowa, and his immediate family.

J. R. FRAILEY,
D. W. KIMBERLY,
H. C. WHITE,

Committee.

JOHN C. TUCK

The committee which was appointed to prepare a memorial commemorating the life, character, and services of John C. Tuck submitted the following memorial:

John Colborne Tuck, son of John and Mary Tuck, was born in York, Haldimand County, Ontario, May 20, 1867. He died in May, 1931, at the age of 64 years and 11 months.

He received his education in the common schools of Ontario, in the place of his birth. In 1891, he moved to Iowa, near the town of Corning. Three years later, he married May Anderson and they made their home on the farm south of Corning, where they lived until his health failed.

Mr. Tuck was a staunch Republican, having cast his first vote for President McKinley. Throughout his early years, he held numerous minor offices in the county and always kept in close touch with politics. During the war, his activities in various lines of patriotic endeavor were outstanding. Mr. Tuck represented Adams county as Senator in the Thirty-ninth, Fortieth, and Fortieth Extraordinary General Assemblies. As such, he always stood for the right and was unmoved by any influence except that which appealed to his sense of honesty and justice.

In Ontario, John Tuck was a member of the Episcopal Church, and after coming to Corning he united with the Federated Church, where he worshiped as long as his health permitted. He was also a member of the Masonic lodge and the Knights of Pythias.

When he found that his health was breaking, Senator Tuck and his wife left their farm and made their home in Corning where they lived until his death. To the last he carried his suffering with a courage and fortitude to be found only in a man with such great strength of character as he possessed. He was devotedly attended during his illness by his wife and his sister, Miss Nellie Tuck.

He is survived by his widow, his sister, and two brothers, W. A. of Bradford, Ontario, and R. A. of Ashawa, Ontario.

In the passing of the Honorable John C. Tuck, the state has lost a worthy and valuable citizen, and his family and friends have suffered an irreparable loss.

The committee directs that a copy of this memorial be spread upon the Journal of the Senate as an expression of the life and worth of the deceased, and an engrossed copy hereof be transmitted to his wife and family.

CLAUDE STANLEY,
GEO. W. PATTERSON,
H. C. WHITE,

Committee.

JOSEPH WALLACE

The committee appointed to prepare a memorial commemorating the life and public service of the Honorable Joseph Wallace, former State Senator from Hardin County, Iowa, submitted the following:

Joseph Wallace was born in County Tyrone, Ireland, January 26, 1858, and came to the United States with his parents when he was eight years old, settling in Marshall County, Iowa, where he attended school and later taught school. He went to Union, in Hardin County, in the capacity of school teacher, while a young man, and later became superintendent of schools there. Still later he went to Waseca, Minnesota, as superintendent of schools, remaining there until 1879 when he returned to Union and engaged in farming and cattle feeding. During his residence in Union he was elected to the County Board of Supervisors, and was a member of the board in 1893 when the present court house was built. Mr. Wallace was the last surviving member of the board which built the court house.

Following his service as a member of the Board of Supervisors, Mr. Wallace was elected to the Iowa Senate from the Hardin-Hamilton-Wright district and served during the Twenty-seventh and Twenty-eighth sessions.

Joseph Wallace died at his home in Long Beach, California, Sunday evening, March 12, 1933. He is survived by his wife, who was formerly Florence Doty of Union, his daughter, Mrs. Mabel Wallace Huston, and a son, Bruce Graham Wallace, all of Long Beach, California. Mr. Wallace was a splendid citizen and a conscientious, hard working legislator during his membership in the Senate.

In the passing of the Honorable Joseph Wallace, the state has lost a valuable and honored citizen, a man of strong character and sterling worth; and the Senate of Iowa by this memorial tenders its sympathy to his wife and his immediate family who survive.

The committee directs that a copy of this memorial be spread upon the Journal of the Senate as an expression of the life and worth of the deceased, and an engrossed copy hereof be transmitted to his wife and his immediate family.

IRVING H. KNUDSON,
EDW. J. WENNER,
WM. MCARTHUR,
Committee.

Reference is made to the report of the Committee on the Administration of the Government, dated July 1, 1947, and to the report of the Committee on the Organization of the Government, dated July 1, 1947.

The Committee on the Administration of the Government has recommended that the Department of the Interior be reorganized to include the Bureau of Land Management, the Bureau of Reclamation, and the Bureau of Indian Affairs. The Committee on the Organization of the Government has recommended that the Department of the Interior be reorganized to include the Bureau of Land Management, the Bureau of Reclamation, and the Bureau of Indian Affairs.

The Department of the Interior is currently organized into the Bureau of Land Management, the Bureau of Reclamation, and the Bureau of Indian Affairs. The Department of the Interior is currently organized into the Bureau of Land Management, the Bureau of Reclamation, and the Bureau of Indian Affairs.

The Department of the Interior is currently organized into the Bureau of Land Management, the Bureau of Reclamation, and the Bureau of Indian Affairs. The Department of the Interior is currently organized into the Bureau of Land Management, the Bureau of Reclamation, and the Bureau of Indian Affairs.

Very truly yours,
 [Signature]
 Director

State of Iowa

Journal
OF THE
State Convention
ON
Repeal
of the Eighteenth
Amendment

HALL OF THE
HOUSE OF REPRESENTATIVES
DES MOINES, IOWA
July 10, 1933

Joint Resolution

Adopted by the Congress of the United States

SENATE JOINT RESOLUTION NO. 211

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by conventions in three-fourths of the several States:

"Article—

"Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

"Sec. 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

"Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by convention in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

JNO. N. GARNER, *Speaker of the House of Representatives.*
CHARLES CURTIS, *Vice President of the United States and
President of the Senate.*

STATE of IOWA

EXECUTIVE DEPARTMENT

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WE, THE UNDERSIGNED, **CLYDE L. HERRING**, Governor, and **MRS. ALEX MILLER**, Secretary of State of the State of Iowa,

DO HEREBY CERTIFY That the Resolution hereunto attached is a true and correct copy of a Resolution adopted at a state convention held in the House of Representatives of the State Capitol, Des Moines, Iowa, July 10th, A. D. 1933.

WE FURTHER CERTIFY That said Resolution was adopted pursuant to an Act of Congress, submitting to the various states the question of ratification of the proposed Amendment to the Constitution of the United States; in pursuance to an Act of the Federal Government, and in accordance with a call for a state convention issued by the Governor of Iowa on the 14th day of April, A. D. 1933.

WE FURTHER CERTIFY That the said Resolution was adopted by a convention, now in the custody of the Secretary of State, in attestation of the adoption of said Resolution.

THEREFORE, We certify to all to whom these presents shall come, that the State of Iowa, in full compliance with the laws of the United States and with the laws of the State of Iowa, has duly ratified and approved as a part of the Constitution of the United States, the following proposed Article of Amendment:

Article
Section
The transportation or importation into any state, territory, or possession of the United States, or the delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.
This Article shall be unoperative unless it shall have been ratified as an Amendment to the Constitution of the United States, as provided in the Constitution, within three years from the date of the submission hereof to the States by the Congress."

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Iowa at the Capitol in Des Moines, Iowa, this 10th day of July, A. D. Nineteen Hundred and Thirty-three.

Clyde L. Herring
Governor

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol in Des Moines, Iowa, this 10th day of July, A. D. Nineteen Hundred and Thirty-three.

Mrs. Alex Miller
Secretary of State
James C. Green
Deputy



OFFICERS OF THE CONVENTION

Temporary President

GOVERNOR CLYDE L. HERRING

Temporary Secretary

JAMES C. GREEN

Assistant Secretary of State

Permanent President

SENATOR JOSEPH R. FRAILEY

Fort Madison

Permanent Secretary

GENERAL MAT A. TINLEY

Council Bluffs

Journal Clerk

BYRON G. ALLEN, Pocahontas

Reading Clerk

PHILLIP L. SHUTT, Independence

Sergeant-at-Arms

DAN MCENIRY, Des Moines

Assistants—I. H. Wilson, L. S. Reinecke, E. A. Franquemont, Geo. T. Irwin, Wade Clark, G. A. Holland, H. N. Hay, Matt Theis, Ralph Lynch, A. B. Southworth, and Ronald Ryan, Des Moines.

Journal of the State Convention

on

Repeal of the Eighteenth Amendment

HALL OF THE HOUSE OF REPRESENTATIVES,
DES MOINES, IOWA, JULY 10, 1933.

Pursuant to the law, as provided in Senate File No. 477, Chapter 1, acts of the Forty-fifth General Assembly, the state convention of delegates to determine whether a proposed Amendment to the Constitution of the United States, repealing the Eighteenth Amendment thereto, should be ratified by the State of Iowa, convened at 2:00 o'clock P. M. Monday, July 10, 1933.

The convention was called to order by Governor Clyde L. Herring at temporary president.

Governor Herring announced that James C. Green, Assistant Secretary of State, would act as temporary secretary.

Prayer was offered by Reverend Harry Longley, pastor of Saint Paul's Episcopal Church of Des Moines:

"O God, the Holy Spirit, we turn to Thee in prayer seeking Thy guidance and blessing in this convention.

"Appointed to repeal a social experiment which has failed, we have come with a conscientious purpose to do the bidding of a sovereign people. May this action be blessed with fruits which shall make for a law abiding citizenry, a temperate people, and an honest and sober commonwealth.

"May all things in this state and nation be so ordered and settled upon the best and surest foundations that peace and happiness, truth and justice, religion and piety may be established among us for all generations. All of which we ask in the name of Jesus Christ, the Prince of Peace, our Most Blessed Lord. Amen."

Governor Herring then addressed the convention as follows:

LADIES AND GENTLEMEN OF THE CONVENTION:

This Constitutional Convention has interesting and unusual significance.

It represents one of the steps by which the people of a great Democracy seek, in an orderly manner, to express their will in a matter of government.

Also, it provides the means for the people, by deliberate and thoughtful consideration, to express their decision on a matter which heretofore has not received independent consideration.

I venture to say that not in the memory of any delegate to this Convention has the question here involved been considered alone, divorced from all questions of personalities and politics.

Your present here then, is evidence of advance in government and in public thought.

It is a wholesome sign that our people have the good sense to separate what has been so controversial a question from other considerations and then determine it solely upon its merits.

It is perhaps timely and appropriate that I, not alone as temporary chairman of this Convention, but also as Chief Executive of this state, should call to your attention some of the factors involved.

Conflicting reasons have been given for the original adoption of the Eighteenth Amendment.

All will agree, however, that its genesis may be found in the action of a great number of earnest and excellent people who believed that its passage and adoption would prohibit the sale of intoxicating liquors.

Their desire was to combat the evils of drunkenness.

They had tried moral persuasion, and the establishment of total abstinence and temperance societies.

The results seemed too slow, however, to satisfy the more ardent and enthusiastic of the reforming group.

Therefore, in their zeal to do good, they substituted a purpose,—that of forbidding the use of intoxicating liquors.

We forgot that character must be developed by moral means and we believed that we could develop character by making men stop drinking, and that we could make men stop drinking by the passage of a law.

We sought to accomplish by prohibition of the act, what we could not accomplish by pointing out its evil consequences.

As was said by former President Taft: "Drinking of liquor is a social practice."

We sought by the Eighteenth Amendment to make this social practice a crime.

It was believed that heavy penalties would prevent indulgence.

It was believed that mere enactment of the prohibitory law would stop drinking by ending manufacture and sale.

Many good citizens, opposed to drunkenness, although believing that the method might not accomplish its purpose, nevertheless thought it would do no harm, and supported prohibition.

It was found to the surprise of some, and to the dismay of others, that the prohibitory law, like other penal laws, would not execute itself and that the law enforcement arm of the government must be set in motion to detect and prevent violation.

Former President Taft had said that he was opposed to prohibition because he believed that it would not prohibit throughout the country, especially in localities where the community did not favor prohibition.

His concern was well founded.

People, otherwise law-abiding, began privately to manufacture and to purchase prohibited liquors.

Law-abiding people refused to lend themselves to the enforcement of the law.

The profits from the illegitimate business became so great as to encourage those violating the law to organize into groups, nation-wide in extent, to furnish a constant source and means of corruption.

Those who believed that the evil consequences which arose were the effect of drinking rather than of the attempt to stop drinking by law, increased their efforts for its enforcement by securing larger appropriations for detection and heavier penalties for violation.

With thousands of other citizens I had mistakenly believed that the prohibitory law should be passed and could be enforced.

I believed so firmly in temperance and was so definitely against the saloon that I was slow to surrender my belief that the Eighteenth Amendment could be made effective.

However, it has been demonstrated beyond reasonable doubt that it does not bring temperance; that it is unenforceable and that its effect has been to increase crime and corruption beyond anything known in the history of our people by reason of the extent to which its ill-gotten profits have financed the underworld.

For many years the opinion has been growing that the evils which followed in the wake of the adoption of the Eighteenth Amendment were worse than the evil which it sought to cure.

Many of us who have been firm advocates of the cause of temperance believed that we saw that cause harmed by the events of the last few years.

These circumstances caused great numbers of people to change their view as to the wisdom of the Eighteenth Amendment.

So definite has that change become that last year the National Convention of the two major political parties recognized in their platforms the necessity for prompt and affirmative action.

As a result, Congress adopted the Amendment calling for repeal of the Eighteenth Amendment to the Constitution and has submitted it to the several states for its ratification or rejection.

Our legislature made the necessary provision for the selection of delegates to this Convention and for the calling of the Convention to consider the question of ratification or rejection of the Amendment.

The campaign which preceded the county conventions and which preceded the state-wide selection of delegates, was an active one on the part both of those who favored retention and those who favored rejection of the Amendment.

The questions were fully discussed by radio, by newspaper, on the platform, from the pulpit and in all of our forums.

The question was considered by the people unobscured by any other issue.

A vote larger than that ever cast at any election, other than a presidential election, indicates the interest of the people and their determination definitely to settle this controversial matter.

Let us hope that throughout the nation it may receive as full as complete, and as fair consideration as it has received by the people of Iowa.

It is a testimonial to the good sense of our citizens and to their interest in orderly government that they voted in such large numbers and

that the delegates elected to this Convention are men and women of high standing in their various communities.

I am confident that your approach to the consideration of the question before this Convention will justify the confidence which the people of Iowa have reposed in you.

I believe that it is appropriate to say here and now that I construe the results of the June election as a vote for temperance as opposed to prohibition, and that I believe that the people of Iowa favor temperance rather than prohibition.

We are not unmindful that an honored and respected woman of this state has recently been elected head of one of the great national prohibition organizations.

There was a time before her organization adopted prohibition as the solution of the problem, when she battled courageously in the cause of temperance.

It is the hope of many of us who respect her earnestness of purpose and her ability, that she will recognize the expression of the will of the people of Iowa and will again ally herself with the cause of temperance.

In exchange for that support I will pledge to her and her organization my support in opposition to the saloon.

I believe that the people of Iowa are opposed to the return of the saloon and if and when the Eighteenth Amendment shall be repealed, we must adopt the necessary legislation to that end.

One of the matters appropriate to mention to you to aid in your consideration of the question before you today is what legislation may be adopted in the event of your vote to ratify the repeal of the Eighteenth Amendment.

I believe that the people of Iowa through its legislature will, in the event of repeal, adopt practical laws which will secure the enforcement of the declaration of the will of the people and will promote the cause of temperance.

That they may have the benefit of preliminary study to that end, I have considered the appropriateness, in the event of repeal, of appointing a committee of citizens of this state who may be willing, without compensation, to make some study of various manners of liquor control and to give to the legislature the results of their investigation.

The saloon as it was known of old is a thing of the past and this generation will not tolerate it.

Since the enactment of beer legislation in Iowa, our people have demonstrated that they may use the beverage in a sensible, practical manner under proper regulation.

It is my belief that should the Eighteenth Amendment be repealed, we must be prepared by appropriate legislation to take care of certain factors, which I firmly believe will best promote the cause of temperance.

First: The element of *unrestricted* private profit must be taken out of the sale of liquor.

Second: There must be limited sale under strict government regulation and control.

Third: There must be such license fees as will provide to the state

the greatest revenue possible, without, however, being so high as to encourage the practice of bootlegging.

In the event of repeal, it will be well for our legislature to consider whether it may not profitably, both for the cause of temperance and the cause of revenue, center the matter of liquor control in the hands of a state agency and divert all license fees into the public treasury, the amount thereof to replace to that extent the state levy imposed on real state and other tangible property.

In the event of repeal, our legislature might well consider the plans in operation in the Canadian Provinces and I am informed that those have operated most successfully where a maximum of authority has been conferred upon the licensing boards to issue regulations consistent with the purpose I have outlined above.

They have selected excellent men to administer and have given them broad discretionary powers.

The questions before the people at the time of the election of Governor Horace Boies in 1889 were in many respects identical with those with which we are confronted today.

In his inaugural speech in 1890, he told of the effects of prohibition and of intemperance.

He recognized the propriety of legislation to minimize the evils, and the difference of opinion as to what the legislation should be.

He said that of all the means ever employed to improve the morals of men, that of excessive punishment is the least effective and after discussion of the questions of that day, he said what I may well submit to you, the chosen representatives of the people of Iowa:

Governor Boies said in 1890: "What Iowa needs is practical legislation on this subject. Legislation that is broad enough to meet the views of more than a single class; that is liberal enough to command the respect of all her people; that is generous enough to invite to her borders every class of respectable persons; that is just enough to respect the person and property of every one of her citizens; and wise enough to exercise a practical control over traffic that today is unrestrained in most of her centers of population.

"He who strives for this is not a foe of temperance, is a friend of the state, too grand in its natural advantages, too broad in its diversity of interests, too widely apt at variance in the education, habits and customs of its people to be appropriated by any single class or sect."

On behalf of the people who have chosen you as their delegates to this Constitutional Convention, I bespeak your careful consideration of the question before you.

Delegate Diamond of O'Brien county moved that the temporary president name a committee of three to act as a Committee on Credentials.

The motion was seconded by Delegate Schaupp of Webster county.

The motion prevailed.

The temporary president appointed as a Committee on Credentials Delegates Diamond of O'Brien county, Shaw of Keokuk county, and Morgenthaler of Carroll county.

The committee retired, and, upon returning, the chairman, Delegate Diamond of O'Brien county, presented the following report:

"MR. PRESIDENT: Your Committee on Credentials begs leave to report that they have examined the election returns and the records in the office of the Secretary of State which were kept in pursuance to the provisions of Senate File No. 477, Chapter 1, acts of the Forty-fifth General Assembly, and finds that the persons named in a communication from the Secretary of State and submitted herewith, were duly elected as Delegates to this convention, and are entitled to membership in this body.

"Your committee further recommends that counties which have unofficially designated alternates and from which the officially elected delegate is not present may be represented by the alternate as an honorary delegate without a vote."

The following communication from the Secretary of State, having been made a part of the report of the Committee on Credentials, was, at the order of the temporary president, read into the journal of the convention:

I, MRS. ALEX MILLER, Secretary of State of the state of Iowa, custodian of the files and records pertaining to elections in the state,

DO HEREBY CERTIFY that the attached instrument contains a true and correct list of Delegates elected at a Special Election held on June 20th, 1933, as provided for by an Act of the Forty-fifth General Assembly, known as Senate File 477.

I DO FURTHER CERTIFY that the Delegates herein named were duly elected in full compliance to the laws of the state of Iowa, and that said Special Election was held on June 20th, A. D. 1933 in full compliance to the laws of the state of Iowa.

Adair.....	F. O. Welch	Chickasaw.....	C. A. Upham
Adams.....	Wm. E. Humbert	Clarke.....	W. T. Cleghorn
Allamakee.....	John J. Dunlevy	Clay.....	H. E. Jones
Appanoose.....	Dr. E. E. Bamford	Clayton.....	M. X. Geske
Audubon.....	Ai Miller	Clinton.....	J. A. Lubbers
Benton.....	C. J. Snitkay	Crawford.....	L. W. Powers
Black Hawk.....	Saner C. Bell	Dallas.....	W. P. Kent
Boone.....	Mrs. Paul M. Seifert	Davis.....	O. D. Wray
Bremer.....	Lee O. Peacock	Decatur.....	J. P. Smith
Buchanan.....	Phillip Leslie Shutt	Delaware.....	E. E. Annis
Buena Vista.....	F. C. Foley	Des Moines.....	Max Conrad
Butler.....	C. E. Johnson	Dickinson.....	Ira F. Peacock
Calhoun.....	Earl Stotts	Dubuque.....	A. E. Piekenbrock
Carroll.....	Otis P. Morgenthaler	Emmet.....	J. O. Kasa
Cass.....	Hugh Reing	Fayette.....	Fred H. Harms
Cedar.....	L. E. Bees	Floyd.....	Ed. Gayther
Cerro Gordo.....	R. F. Clough	Franklin.....	R. F. Schaefer
Cherokee.....	Wm. H. Smith	Fremont.....	John F. Porterfield

Greene.....	U. K. William	Montgomery.....	Paul W. Richards
Grundy.....	Herman B. Koolman	Muscatine.....	Clarence A. Hahn
Guthrie.....	Charles Owen	O'Brien.....	T. E. Diamond
Hamilton.....	Edward P. Prince	Osceola.....	A. B. Callender
Hancock.....	Walter T. Walfrom	Page.....	John P. Nye
Hardin.....	Gilman H. Wisner	Palo Alto.....	Irving J. Weber
Harrison.....	Howard A. Nelson	Plymouth.....	R. J. Joynt
Henry.....	Frank Price	Pocahontas.....	F. K. Hawley
Howard.....	W. C. Sovereign	Polk.....	Wm. C. Harbach
Humboldt.....	D. F. Coyle	Pottawattamie.....	Mat A. Tinley
Ida.....	C. W. Hoyer	Poweshiek.....	Lola G. Landes
Iowa.....	Frank Owen	Ringgold.....	Geo. H. Bartels
Jackson.....	J. O. Ristine	Sac.....	Frank Krejci
Jasper.....	Frank L. Smith	Scott.....	Peter N. Jacobsen
Jefferson.....	John G. Barwise	Shelby.....	John Buman
Johnson.....	Edwin B. Wilson	Sioux.....	William Huisman, Sr.
Jones.....	C. M. Holst	Story.....	M. McLaughlin
Keokuk.....	Robert J. Shaw	Tama.....	F. E. Shortess
Kossuth.....	Geo. D. Moulton	Taylor.....	F. L. Marsh
Lee.....	Joe R. Frailey	Union.....	L. E. Sternberg
Linn.....	Ray J. Mills	Van Buren.....	John G. Shott
Louisa.....	John G. Keck	Wapello.....	C. S. Harper
Lucas.....	C. C. Pickerell	Warren.....	Mark J. Dolan
Lyon.....	M. McLaughlin	Washington.....	T. A. Michels
Madison.....	Elmer Orris	Wayne.....	C. W. Elson
Mahaska.....	B. J. Snyder	Webster.....	John M. Schaupp
Marion.....	Peter W. Visser	Winnebago.....	Grover Campbell
Marshall.....	A. A. Moore	Winneshiek.....	T. F. Schmitz
Mills.....	Walter Breen	Woodbury.....	Donald E. Tremaine
Mitchell.....	Lloyd H. Koch	Worth.....	F. L. Murphy
Monona.....	Matt Riddle	Wright.....	John J. Henneberry
Monroe.....	T. E. Gutch		

I DO FURTHER CERTIFY that such Delegates are entitled to sit in and vote in the Constitutional Amendment Convention called by the Governor to meet in the House Chamber, State Capitol, Des Moines, on July 10th for the purpose of ratifying or rejecting, in behalf of the state of Iowa, a proposed Article of Amendment to the Constitution of the United States, to-wit:

"Section 1. The eighteen article of amendment to the Constitution of the United States is hereby repealed.

"Sec. 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

"Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by convention in the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, Des Moines, this 10th day of July, A. D. 1933.

[SEAL]

MRS. ALEX MILLER,
Secretary of State.

By JAMES C. GREEN, *Deputy.*

Delegate Miss Landes of Poweshiek county moved that the report of the Credentials Committee be adopted, that the accredited list of delegates submitted by the Secretary of State be declared the duly elected delegates to this convention, and that a roll call be had to ascertain the delegates present.

The motion was seconded by Delegate Dunlevy of Allamakee county.

The motion prevailed, the report of the committee was adopted, and the committee was discharged.

The roll was called to ascertain the delegates present:

Those present were, 90.

Bamford of Appanoose	Jacobsen of Scott	Prince of Hamilton
Bartels of Ringgold	Johnson of Butler	Reinig of Cass
Barwise of Jefferson	Jones of Clay	Richards of
Bees of Cedar	Joynt of Plymouth	Montgomery
Bell of Black Hawk	Kasa of Emmet	Riddle of Monona
Breen of Mills	Kent of Dallas	Ristine of Jackson
Buman of Shelby	Koch of Mitchell	Schaefer of Franklin
Callender of Osceola	Koolman of Grundy	Schaupp of Webster
Campbell of Winnebago	Krejei of Sac	Schmitz of Winneshiek
Cleghorn of Clarke	Landes of Poweshiek	Seifert of Boone
Clough of Cerro Gordo	McLaughlin of Lyon	Shaw of Keokuk
Conrad of Des Moines	McLaughlin of Story	Shortess of Tama
Coyle of Humboldt	Marsh of Taylor	Shott of Van Buren
Diamond of O'Brien	Michels of Washington	Shutt of Buchanan
Dolan of Warren	Miller of Audubon	Smith of Cherokee
Dunlevy of Allamakee	Mills of Linn	Smith of Decatur
Elson of Wayne	Moore of Marshall	Smith of Jasper
Foley of Buena Vista	Morganthaler of	Snyder of Mahaska
Frailey of Lee	Carroll	Sovereign of Howard
Gayther of Floyd	Moulton of Kossuth	Sternberg of Union
Geske of Clayton	Murphy of Worth	Stotts of Calhoun
Gutch of Monroe	Nelson of Harrison	Tinley of
Hahn of Muscatine	Nye of Page	Pottawattamie
Harbach of Polk	Orris of Madison	Tremaine of Woodbury
Harms of Fayette	Owen of Guthrie	Upham of Chickasaw
Harper of Wapello	Owen of Iowa	Visser of Marion
Hawley of Pocahontas	Peacock of Bremer	Walfron of Hancock
Henneberry of Wright	Pickerell of Lucas	Weber of Palo Alto
Holst of Jones	Piekenbrock of Dubuque	Welch of Alair
Hoyer of Ida	Porterfield of Fremont	Willman of Greene
Huisman of Sioux	Price of Henry	Wilson of Johnson

Those absent were, 9.

Annis of Delaware	Lubbers of Clinton	Snitkay of Benton
Humbert of Adams	Peacock of Dickinson	Wisner of Hardin
Keck of Louisa	Powers of Crawford	Wray of Davis

Delegate Bamford of Appanoose county moved that all absent delegates, or those not answering the roll call, be excused.

The motion was seconded by Delegate Hahn of Muscatine county.

The motion prevailed.

The delegates present then took the oath of office in a body as follows:

"I do solemnly swear that I will support the Constitution of the United

States and the Constitution of Iowa, that I will faithfully and impartially perform the duties of delegate in this convention called to consider a proposed Amendment to the Constitution of the United States, according to law and to the best of my ability, so help me God."

Delegate Harbach of Polk county moved that the Honorable Joseph R. Frailey, the delegate from Lee county, be chosen president of the convention.

The motion was seconded by Delegate Tinley, of Pottawattamie county.

Temporary President Herring put the motion, which motion prevailed, and the Hon. Joseph R. Frailey was declared the duly elected president of the convention. Delegates Harbach of Polk county, Tinley of Pottawattamie county, and Clough of Cerro Gordo county were named as a committee to escort the president to the chair.

Delegate Frailey took the following oath which was administered by the temporary secretary, Mr. Green:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, that I will faithfully and impartially perform the duties of the office of president of this convention according to law and to the best of my ability, so help me God."

Delegate Frailey assumed the duties of presiding officer and addressed the convention as follows:

YOUR EXCELLENCY, DELEGATES TO THIS CONVENTION, AND LADIES AND GENTLEMEN:

First of all I want to thank you from the bottom of my heart for the great honor you have bestowed upon me in selecting me President of this Convention. And the honor is all the greater, and the obligation that I owe to you the more precious, when we stop to think that this is the first time, in the history of Iowa, that the people themselves have been the makers and reformers of their own Constitution and, indirectly, of the Constitution of the United States itself.

This is a non-partisan Convention. It represents no faction, no creed and no party. It is a meeting of the delegates of the people. And for that reason, as a citizen of this State, and one who has approved and admired the great things that our Governor has already accomplished and is about to accomplish in his administration, I want to take this opportunity to pay him a tribute as one of the greatest and most effective administrators who has ever sat in the gubernatorial chair and guided the welfare of his people. It is well that the State of Iowa recognizes, as it does, Clyde L. Herring, as one of her most illustrious sons, who through all the years, in office and out, has been in the very forefront in rendering patriotic services to his fellow citizens.

In the year of grace, 1776, Liberty, for the first time, rang throughout this land of ours. Today, as we are about to solemnly record the mandate of more than a third of a million votes of the men and women of this

State, Liberty again returns to the grand old Commonwealth of Iowa. It is hard to tell whether this is the Christmas Eve of a new Liberalism or a new Declaration of Independence of our people.

We meet here today to rewrite and rededicate, once more, the inexorable scroll of human rights and human liberties. It is the old, old story of the slow, the patient, but the inevitable march of mankind to ultimate freedom. For you may hang men on gibbets and on scaffolds, but you can't hang the truth. You may cast men into prisons and dungeons, but you can't imprison thought. You may crucify men upon a thousand hills of Golgotha, but you can't crucify the gospel of eternal right; and all the persecutions, all the bigotries, all the iniquities of red handed inquisition, yes, and all the whited sepulchres of hypocrisy, that have blighted the hopes and holy aspirations of mankind since first the sun of human history silvered the dawn of the world, can never and will never, place the hosts of wrong upon the everlasting throne of right.

It has indeed been a pathetic and a tragic era that we have just passed through; those sad years from nineteen hundred eighteen to nineteen hundred thirty-two—the Via Dolorosa, the Road of Sorrows, of American rights, American liberties and American Constitutional Government.

In that era we have seen the Constitution of the United States spurned, trampled under foot and spit upon—all in the name of the "noble experiment."

We have seen the first ten amendments to that Constitution—The Magna Charta of America—the one Bill of Rights of the Common People of this Nation, raped, ruined and repudiated.

We have seen trial by jury denied.

We have seen American free men and free women placed twice, yea, thrice in jeopardy for the same offense.

We have seen the persons, houses, papers and effects of the people of America subjected to outrageous and unreasonable search and seizure by the Hessians and Cossacks of Volsteadism.

We have seen men and women sent to prison without indictment and without a jury trial.

We have seen a free press and free speech throttled by intimidation, blackmail and bigotry.

We have seen men and women shot down and murdered in cold blood and that murder condoned and justified by the smug Pharisees of a so-called "Free America".

If in that Tragic Era—the era of nineteen hundred eighteen to nineteen hundred thirty-two, George Washington and Thomas Jefferson, John Adams and James Madison, Benjamin Franklin, and all those other giant souls who dowered their country and the ages with the legacy of liberty in thought, word and deed, had been with us here in this country of ours as they were in the days of our glorious past, it would have been impossible to elect them to a Constitutional Convention such as this that we are attending today. That great and good man, Bishop James Cannon, who is now under indictment in Washington, D. C., would immediately have sent out a questionnaire to George Washington and Thomas Jefferson, demanding to know at once if they, ever in their lives, had taken a drink, and the good Doctor Clarence True Wilson of the Blue Sunday

League would have interrogated Benjamin Franklin as to whether or not he ever flew his experimental kite in Philadelphia on the Sabbath day. That era through which we have just passed was the age of the moral and political Lilliputians and the land of Lilliput instead of producing giants shackled them by the overwhelming numbers of its pigmies of mediocrity and hypocrisy.

That day and that era is done forever in this country. Its death knell has rung and we are here today at the outraged demand of the people to enact unto fundamental law a safeguard for their future that will forever prevent in the days to come any other attempt or subterfuge to rob them of their constitutional heritage and birthright. There are thousands of good men and good women in this State, among them the very highest type of our citizenship, who believe, or have believed in the past, in the potency, effectiveness and idealism of prohibition as it was written into the Constitution of the United States some fifteen years ago. It is true that vast numbers of our citizens who so believed in 1918 do not hold that same belief today. Otherwise, we would not be meeting here today registering its repeal.

We have no quarrel with these good and sincere men and women. As American citizens we accord them the same right that we demand and treasure ourselves and that is the expression of a free and untrammelled opinion.

No matter what our convictions may have been or are now upon this perplexing problem we are all going to live here in the future of this State as neighbors and fellow citizens and we all believe, I love to think and hope, in the fundamental soundness of the doctrine of majority rule.

We are asking today, the aid and assistance of these good neighbors of ours, no matter whether we can see all things precisely alike, in the solution of the problems that lie before us.

Our quarrel is not with them, but with the professional "reformers" who for the purpose of private gain, personal aggrandizement, greed for power and political preferment have led honest and sincere men and women down the pathway of delusion and deceit, into the morass of disappointment in and destruction of all of the ideals in which those people trusted and believed.

Where railroads cross highways there are signs which read, "Stop, Look, Listen." It would be well for our people and their representatives in our government to follow that warning now. To stop and take account of our national strength and our national weakness. To look calmly and judicially, and without passion and prejudice, at the momentous changes that have arisen in our body politic, social, political and economical, fanned in this day to a fever heat by a world in turmoil and unrest, that must inevitably affect us and those who will come after us. To listen, not to the words of the traitorous, the querulous, the visionaries, the "reforming" racketeers, and the demagogues, but rather to those, the living and the dead, who through the exercise of patience, courage, loyalty, industry, thrift, and devotion, have made this Republic; or, in other words, in listening now and at once, before it is too late, to the real voice of the great and patient American people.

It is time to call a halt. It is time to get back to the beginning of things, back to the real source of our strength. Back to the Constitution of Washington, Jefferson, John Adams, Benjamin Franklin, John Marshall, Andrew Jackson, Abraham Lincoln, Theodore Roosevelt and Woodrow Wilson.

It is time to impress upon our people the lesson that we have learned at so great a cost in this period through which we have just passed. That is, that American Constitutional Government, as our fathers framed that Constitution and as our great sons interpreted it in following in their footsteps, means a free government for all of the people and not a part of them. That it means minority rule and the tyranny and inquisitions of minorities must forever cease in this country of ours. Closely knit and organized minorities, not matter under what high sounding names and titles they may exist, that seek nothing but their own selfish interests at the expense of the great mass and majority of our people have no place in our scheme of government and it has been their insistance and their plots and connivances, more than anything else in our history, that have brought this nation of ours perilously near to destruction. Today, let us hope, that danger is being met and defeated by an awakened people as represented in this Convention.

This has not been, and is not now, a question of bringing back the saloon to Iowa. Nobody wants to bring back the saloon to Iowa. It is not a question of drink and liquor. It is a reaffirmation upon the part of the people of Iowa of the fundamental constitutional principles upon which free government is founded.

We are standing in a new dawn of the second century of this Republic. The fixed stars are fading from the sky, and we grope in uncertain light. Strange shapes have come with the night. Established ways are lost—new roads perplex, and widening fields stretch beyond the vision. The unrest of dawn impels us to and fro—but doubt stalks amidst the confusion, and even on the beaten paths the shifting crowds are halted, and from the shadows the voices of the Nation's sentries cry, "Who comes there"?

In the obscurity of morning tremendous forces are at work. Nothing is steadfast, nothing approved, but amid it all beats the great American heart, unafraid and undismayed, and standing fast by the challenge of his conscience, the American citizen, tranquil and resolute, as were his fathers in the past, watches the drifting of the spectral currents and calmly awaits the full disclosures of the coming day.

The solemn purpose for which we are meeting here today and the action that we are about to take on the ratification of the Twenty-first Amendment to the Constitution of the United States is but the first flush of that new dawn. That new dawn, that we fervently and prayerfully believe, will usher in again the rule of the people themselves. The rule of the people themselves, that is the one and eternal cornerstone of American freedom and liberty. It was this vision and this dream that held up the hands of Washington at Valley Forge and for which Lincoln wandered down the Valley of the Shadow of Death to the deathlessness of martyrdom. And all the way from Plymouth Rock and Jamestown,

down to our last far flung frontiers at San Francisco, Seattle and the Yukon, it was this same spirit of the rule of the people that established this Republic, carved it from the wilderness, conquered it from the Indians, wrested it from England, and at last, at last, stilling its own tumult, consecrated it forever on this American continent, as the ultimate theater of its transcendent achievement.

But throughout all of our history, in its dawns of promise and happiness and its dusks of darkness and despair—like a pillar of cloud by day—of fire by night—that one lodestar of our national might and national majesty has ever stood steadfast, constant and unchangeable—the God guided truth of the Rule of the People.

And the people of Iowa have spoken. What they have said no man or woman can mistake, and we, their delegated representatives, in a spirit of consecration to their voice, will now proceed, in this Constitutional Convention, to record their mandate.

Delegate Piekenbrock of Dubuque county mover that Delegate Tinley of Pottawattamie county be chosen permanent secretary of the convention.

The motion was seconded by Delegate Richards of Montgomery county.

The motion prevailed and Delegate Mat A. Tinley was declared duly elected secretary of the convention.

President Frailey named Delegates Piekenbrock of Dubuque county, Richards of Montgomery county and Bell of Black Hawk county to escort the secretary to the desk.

Delegate Tinley then took the following oath:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, that I will faithfully and impartially perform the duties of the office of secretary of this convention according to law and to the best of my ability, so help me God."

Delegate Joynt of Plymouth county moved that the president appoint a reading clerk and a journal clerk.

The motion was seconded by Delegate Henneberry of Wright county.

The motion prevailed.

The president appointed Delegate Shutt of Buchanan county and Byron G. Allen of Pocahontas county as reading clerk and journal clerk respectively, and they were sworn in by the president.

Delegate Diamond of O'Brien county, moved that Robert's rules of order be adopted as the rules of the convention.

The motion was seconded by Delegate Conrad of Des Moines county.

The motion prevailed.

At the order of the president there was read into the journal of the convention, as follows, a record of the enactment of Senate File No. 477, Chapter 1, acts of the Forty-fifth General Assembly together with the Governor's Proclamation calling a special election and the Constitutional Amendment Convention:

I, MRS. ALEX MILLER, Secretary of State of the State of Iowa, and custodian of the records of the Forty-fifth General Assembly do hereby certify that the attached instrument is a true and correct copy of an Act of the Forty-fifth General Assembly known as Senate File No. 477 as passed and amended by the General Assembly and under which a special election was held on June 20th, A. D., 1933, for the selection of delegates to a State Convention to be convened for the purpose of ratifying or rejecting a proposed article of amendment to the Constitution of the United States.

I FURTHER CERTIFY that the attached instrument contains a true and correct copy of a proclamation issued on the 14th of April, A. D., 1933, calling said special election and the aforesaid State Convention.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this 10th day of July, A. D. 1933.

MRS. ALEX MILLER,
Secretary of State.

[SEAL]

By JAMES C. GREEN, Deputy.

S. F. 477 as Amended

AN ACT to provide for a state convention to determine whether an amendment or amendments to the Constitution of the United States, as proposed and submitted by the Congress of the United States, shall be ratified, and for the calling of a special election to elect delegates-at-large to such convention, and making appropriations therefor.

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

Section 1. Within sixty days from the date on which the Governor of Iowa shall receive notice of an amendment to the Constitution of the United States proposed by the Congress of the United States for ratification by convention in the several states, it shall be the duty of the Governor of Iowa, by proclamation to call such convention, to be held at the seat of government in Des Moines, Iowa, not later than three months from the date of issuance of such proclamation.

Sec. 2. The proclamation to be issued by the Governor, as provided in Section One (1), shall fix the date and time for the holding of such convention and the date of the holding of a special election for the election of delegates to such convention.

Sec. 3. The date of the special election provided to be stated in the said proclamation shall not be more than thirty (30) days before the date fixed for the holding of such convention.

Sec. 4. Subject to the provisions of this act, each county in the state of Iowa shall be entitled to nominate two persons from among the quali-

fied voters in each county, respectively, to be candidates for the office of delegate-at-large to the state convention, provided, however, that one of such candidates shall be nominated by those favoring the ratification of such amendment, and one nominated by those opposed to the ratification of such amendment. Said delegates shall be nominated as hereinafter provided.

Sec. 5. The nominations for delegates to such convention from each county shall be made at mass convention of the qualified electors of such county in the manner provided for in this act.

Sec. 6. Upon the issuance of a proclamation by the governor of the State of Iowa calling such convention, the qualified voters in each county in the state shall organize themselves into two groups, one of which groups shall consist of those persons favoring the ratification of the amendment proposed by the Congress of the United States, and the other to consist of persons opposed thereto.

Sec. 7. At eleven o'clock A. M., on the fourth Monday following the dates of issuance of such proclamation by the governor of the State of Iowa, the group of qualified voters in each county favoring the ratification of such proposed amendment, and the group opposed thereto, shall convene in separate county conventions at the seat of government of such county, at such places as the county auditor of such county shall designate, and such auditor shall publish such designation of places by one (1) publication in two (2) newspapers if there be such two (2) newspapers of general circulation in said county, at least three (3) days prior to said convention, and shall nominate one delegate as a candidate to the convention hereinafter provided for.

Sec. 8. No person shall be nominated at any county convention held under the provisions of this act until he has executed and delivered to the chairman of such county convention a statement signed by him or her and attested by the chairman and secretary of the convention in the following form:

DELEGATE'S STATEMENT.

I,, hereby certify that I am a qualified elector of the State of Iowa; that for more than..... (years) (months) last past I have resided in the.....; that I am favorable to (or opposed to) the ratification of the amendment to the Constitution of the United States of America, proposed by the Congress of the United States on the.....day of..... 19.....

Dated this.....day of.....19.....

.....	For ratification
..... Chairman, County Convention	Against ratification
.....	For ratification
..... Secretary, County Convention	Against ratification

Sec. 9. It shall be the duty of the chairman and secretary of each of such county conventions before adjournment thereof to certify the name of the person nominated as delegate to the convention by their respective county conventions to the secretary of state of the state of

Iowa, which certification and the written statement of the person so nominated shall be delivered to the secretary of state not later than nine o'clock in the forenoon of the third day following the day during which the county convention was held.

Sec. 10. It shall be the duty of the secretary of state, as the certificates of nomination of candidates for election of the office of delegate-at-large to the state conventio are filed in his office, as in this Act provided, to list the same alphabetically by counties in two (2) groups, one (1) group to consist of the names of the nominees favoring the ratification of the proposed constitutional amendment, and the other to consist of the names of the nominees opposed thereto.

Sec. 11. The chairman and secretary of each county convention shall select from among the membership of its group in such county one person to act as judge of election, and two persons to act as clerks of election, in each of the several voting precincts in such county; the persons so selected to perform such services without compensation, and the said chairman and secretary of each of such county conventions shall certify to the county auditor the names and addresses of the persons so selected, which certification shall be made not later than nine o'clock in the forenoon of the second day following the date on which such county convention was held. In the event that the judge and clerk or clerks of election, as above provided, shall fail or refuse to act, the chairman and secretary of the respective county conventions are authorized to fill the vacancy thus caused, and if practicable, shall certify the names appointed to fill such vacancy to the county auditor. If vacancies occur in the office of the judge or clerk of election, and they are not filled as herein provided, then and in that event, the acting judges and clerks shall fill such vacancies, and the failure of any judge or clerk of election named, as in this act provided, to act at the election, shall in no wise invalidate the election.

Sec. 12. The ballot to be voted at such special election shall be of such measurement and type size as the Secretary of State may designate, and shall be in substantially the following form,

BALLOT FOR VOTING FOR DELEGATES-AT-LARGE TO A STATE CONVENTION

(THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES)

(Here set out proposed amendment)

**INSTRUCTIONS TO VOTERS
CANDIDATES FOR DELEGATES-AT-LARGE TO THE STATE CONVENTION**

Group of Candidates Favoring Ratification	Group of Candidates Opposing Ratification	Group of Unofficial Candidates * Names to be Written in by Voter if He so Desires
--	--	--



.....
.....
.....

The use of voting machines at such Special Election is hereby prohibited.

Sec. 13. At the special election to be held for the purpose of electing delegates to the State Convention, as in this act provided, each of the groups of candidates officially nominated shall be voted upon as a unit by placing a cross in the circle at the head of such group provided. However, if any qualified voter shall so choose to do, he may disregard each of the groups of candidate officially nominated as in this act provided, and cast his ballot for any other qualified elector of the State of Iowa. If any such voter shall so determine to disregard the groups of candidates officially nominated and desire to vote for some other elector or electors as candidates, he shall write such elector's name or names, in number not to exceed ninety-nine (99), on the blank lines provided therefor appearing on the ballot in the right hand column designated "Group of Unofficial Candidates—Names to be written in by voter if he so desires"; and shall vote for such candidates whose names are so written in by him as a unit by placing a cross in the circle appearing at the head of such group. The candidates in the group receiving the largest number of votes shall be elected to said convention.

Sec. 14. The convention shall be the judge of the election and qualifications of its members and shall have power to elect its president, secretary, and other officers and to adopt its own rules.

Sec. 15. The convention shall keep a journal of its proceedings in which shall be recorded the vote of each delegate on the question of ratification of the proposed amendment. Upon final adjournment the journal shall be filed with the Secretary of State of the State of Iowa.

Sec. 16. If the convention shall agree by vote of the majority of the total number of delegates present to the ratification of the proposed amendment, a certificate to that effect shall be executed by the president and secretary of the convention and transmitted to the Secretary of State of the State of Iowa, who shall transmit the certificate under the great seal of the State of Iowa, to the Secretary of State of the United States.

Sec. 17. All the statutes relating to the manner of conducting elections for state and county officers, so far as applicable, shall govern the elections of delegates, except the canvass of the vote and certification thereof shall be made in accordance with Section 885 of the Code of Iowa, 1931.

Sec. 18. The expense of holding such elections shall be paid by the State Treasurer of the State of Iowa, out of funds in his hands not otherwise appropriated. All bills of necessary and proper expense incurred according to law, shall be submitted to the county auditors in the several counties by claimants with itemized verified statements of account, which shall be filed with said County Auditors within ten (10) days after the holding of such election, and the several county auditors shall thereupon duly itemize and certify such claims for expense to the auditor of state of the State of Iowa, who shall draw warrants therefor to the persons entitled thereto in the amount found to be due. All the ballots for such special election shall be furnished by the Secretary of State of the State of Iowa and delivered by him to the several county auditors in the state for distribution to each election precinct in their respective

counties at least three (3) days prior to the date of such special election. The cost of printing said ballots shall not exceed a proportionate amount, space and composition considered, of the cost of printing ballots for a general state election. The Secretary of State shall cause said ballots, together with the Governor's proclamation of such special election, to be published in two (2) newspapers of general circulation in each county at least ten (10) days prior to the date of such special election.

Sec. 19. No delegates shall receive any compensation, directly or indirectly, for his services as such delegate.

Sec. 20. If at or about the time of submitting any such amendment, Congress shall either in the resolution submitting the same or by statute prescribe the manner in which the conventions shall be constituted and shall not except from the provisions of such statute or resolution such states as may theretofore have provided for constituting such conventions, the preceding provisions of this act shall be inoperative; the convention shall be constituted and shall operate as the said resolution or act of Congress shall direct; and all officers of the state who may by the said resolution or statute be authorized or directed to take any action to constitute such a convention for this state are hereby authorized and directed to act thereunder and in obedience thereto, with the same force and effect as if acting under a statute of this state.

Sec. 21. This act being deemed of immediate importance shall be in full force and effect after its passage and publication in two (2) newspapers of the state as provided by law.

N. G. KRASCHEL,
President of the Senate.

GEO. E. MILLER,
Speaker of the House.

I hereby certify that this bill originated in the Senate and is known as Senate File No. 477.

BYRON G. ALLEN,
Secretary of the Senate.

Approved April 10, 1933.

CLYDE L. HERRING,
Governor.

PROCLAMATION

TO THE CITIZENS OF THE STATE OF IOWA:

The Seventy-second Congress of the United States at its second session adopted a joint resolution proposing an amendment to the Constitution of the United States, which proposed amendment provides, in substance, (1) that the Eighteenth Amendment be repealed; (2) that the transportation or importation into any state of intoxicating liquor for use in violation of the law of that state be prohibited, and (3) that the proposed amendment shall go into effect and become a part of the Constitution of the United States upon being approved by convention in the several states, as provided by the Constitution.

The Forty-fifth General Assembly of the State of Iowa, by senate file four hundred seventy-seven, provided for the calling of a convention to

consider the ratification of amendments to the Constitution of the United States as proposed and submitted by the Congress for the consideration of conventions in the several states; and, by the terms of said Act, the duty is imposed upon the Governor of the State to call said convention and to fix the date for the election of delegates thereto.

NOW, THEREFORE, I Clyde L. Herring, Governor of the State of Iowa, in the discharge of the duty imposed upon me and by virtue of the power and authority vested in me by law, do hereby call a convention to act on the amendment to the Constitution of the United States, as proposed by the Seventy-second Congress of the United States, and do hereby proclaim and declare that such convention shall convene in the Chamber of the House of Representatives in the State House at the seat of government in Des Moines, Iowa, at 2:00 o'clock P. M. on the 10th day of July, 1933; and that a state-wide special election be held on the 20th day of June, A. D. 1933, to elect delegates to said convention in the manner provided by senate file four hundred seventy-seven of the Forty-fifth General Assembly; and all qualified electors of the State of Iowa are hereby earnestly urged to attend at their respective polling places on said date to participate in said special election and in the selection of delegates to the convention which will act on the proposed amendment to the Constitution of the United States, to the end that the popular will may be properly and adequately expressed on an important matter affecting our fundamental law.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name as Governor of the State of Iowa, and have caused the Great Seal of the State to be attached hereto, on this fourteenth day of April, in the year of our Lord, Nineteen Hundred Thirty-three, and of this Commonwealth the eighty-seventh year.

(SEAL)

CLYDE L. HERRING,
Governor of the State of Iowa.

Delegate Geske of Clayton county introduced and offered the following resolution and moved its adoption:

RESOLUTION

Whereas, the Congress of the United States has submitted to the various states for ratification or rejection, a proposed Article of Amendment to the Constitution of the United States, to-wit:

"Section 1. The eighteen article of amendment to the Constitution of the United States is hereby repealed.

"Sec. 2. That transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

"Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by convention in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress." And,

Whereas, the Congress directed by Resolution submitting the question of ratification or rejection to the States that such action be by state conventions called for that purpose, and

Whereas, the Forty-fifth General Assembly of Iowa, by an Act known as Senate File 477, provided for a special election for the election of delegates to such a convention, and

Whereas, such an election was held on June 20th A. D. 1933, and

Where, His Excellency, the Governor of Iowa, pursuant to authority vested in him by Senate File 477, and in accordance with law, has called a convention of the delegates elected at said special election to meet in the House Chamber, State Capitol, Des Moines, on July 10th, A. D. 1933, and

Whereas, the duly accredited state convention delegates, elected at said special election, have convened in accordance with the call of the Governor of Iowa, and for the purpose set out in said call, therefore,

Be It Resolved that the state of Iowa, through a convention duly called and organized for the purpose of ratifying or rejecting the aforesaid Article of Amendment to the Constitution of the United States, hereby declare its approval and ratification, in the name of the State of Iowa, of said proposed amendment; and

Be It Further Resolved that the Governor of Iowa and the Secretary of State of the State of Iowa, are directed to forthwith certify this action to the Secretary of State of the United States and to do such other acts as may be necessary or required fully to effectuate the action of this convention.

The motion was seconded by Delegate Coyle of Humboldt county.

On the question, "Shall the Resolution be adopted?" a roll call was demanded.

The ayes were, 90.

Bamford of Appanoose	Hahn of Muscatine	Michels of Washington
Bartels of Ringgold	Harbach of Polk	Miller of Audubon
Barwise of Jefferson	Harms of Fayette	Mills of Linn
Bees of Cedar	Harper of Wapello	Moore of Marshall
Bell of Black Hawk	Hawley of Pocahontas	Morganthaler of
Breen of Mills	Henneberry of Wright	Carroll
Buman of Shelby	Holst of Jones	Moulton of Kossuth
Callender of Osceola	Hoyer of Ida	Murphy of Worth
Campbell of Winnebago	Huisman of Sioux	Nelson of Harrison
Cleghorn of Clarke	Jacobsen of Scott	Nye of Page
Clough of Cerro Gordo	Johnson of Butler	Orris of Madison
Conrad of Des Moines	Jones of Clay	Owen of Guthrie
Coyle of Humboldt	Joynt of Plymouth	Owen of Iowa
Diamond of O'Brien	Kasa of Emmet	Peacock of Bremer
Dolan of Warren	Kent of Dallas	Pickerell of Lucas
Dunlevy of Allamakee	Koch of Mitchell	Piekenbrock of Dubuque
Elson of Wayne	Koolman of Grundy	Porterfield of Fremont
Foley of Buena Vista	Krejci of Sac	Price of Henry
Frailey of Lee	Landes of Poweshiek	Prince of Hamilton
Gayther of Floyd	McLaughlin of Lyon	Reinig of Cass
Geske of Clayton	McLaughlin of Story	Richards of
Gutch of Monroe	Marsh of Taylor	Montgomery

Riddle of Monona	Shutt of Buchanan	Tremaine of Woodbury
Ristine of Jackson	Smith of Cherokee	Upham of Chickasaw
Schaefer of Franklin	Smith of Decatur	Visser of Marion
Schaupp of Webster	Smith of Jasper	Walfron of Hancock
Schmitz of Winneshiek	Snyder of Mahaska	Weber of Palo Alto
Seifert of Boone	Sovereign of Howard	Welch of Adair
Shaw of Keokuk	Sternberg of Union	Willman of Greene
Shortess of Tama	Stotts of Calhoun	Wilson of Johnson
Shott of Van Buren	Tinley of Pottawattamie	

The nays were, none.

Absent, 9.

Annis of Delaware	Lubbers of Clinton	Snitkay of Benton
Humbert of Adams	Peacock of Dickinson	Wisner of Hardin
Keck of Louisa	Powers of Crawford	Wray of Davis

The Resolution having received a majority of the votes of the convention, it was declared to have been duly adopted.

The president and the secretary, in the presence of the convention, signed the certification to the adoption of the Resolution and the president proclaimed the proposed Amendment to the Constitution of the United States had been duly ratified by the State of Iowa.

The certification attached to the official document and resolution read as follows:

CERTIFICATION

WE, the undersigned President and Secretary, respectively, of the state convention duly called and assembled at Des Moines, Iowa, on July 10th A. D. 1933, for the purpose of ratification or rejection of the aforesaid proposed Amendment to the Constitution of the United States, hereby certify that the foregoing Resolution was adopted by said convention by a vote of 90 ayes, and no nays; 9 absent.

J. R. FRAILEY,
President.
MAT A. TINLEY,
Secretary.

Executed at Des Moines, Iowa, July 10th A.D. 1933.

I, Mat A. Tinley, Secretary of the Constitutional Amendment Convention held at Des Moines, Iowa, July 10th A. D. 1933, hereby certify that J. R. Frailey was the duly elected President of the aforesaid convention.

MAT A. TINLEY,
Secretary.

Executed at Des Moines, Iowa, July 10th A. D. 1933.

I, J. R. Frailey, President of the Constitutional Amendment Convention held at Des Moines, Iowa, July 10th A. D. 1933, hereby certify that Mat A. Tinley was the duly elected Secretary of the aforesaid convention.

J. R. FRAILEY,
President.

Executed at Des Moines, Iowa, July 10th A. D. 1933.

The delegate from Hancock county, Rev. Walfrom, moved that a committee be appointed to deposit the ratification resolution with the Secretary of State.

The motion was seconded by Delegate Jacobsen of Scott county. The motion prevailed.

The president appointed Delegates Rev. Walfrom of Hancock county, Mrs. Seifert of Boone county and Jacobsen of Scott county, to deliver the official copy of the ratification resolution to the Secretary of State.

The committee retired, and upon returning, the chairman, Rev. Walfrom reported that the committee had officially deposited the ratification resolution with the Secretary of State.

The report was accepted and the committee discharged.

The president announced that the official business of the convention had been completed.

Delegate Hawley of Pocahontas county moved that the convention adjourn sine die.

The motion was seconded by Delegate Shott of Van Buren county.

The motion prevailed and President Frailey declared the convention adjourned sine die.

CERTIFICATION

We, the undersigned President, Secretary and Journal Clerk of the Constitutional Amendment Convention, held at Des Moines, July 10, 1933, do hereby certify that the foregoing, to the best of our knowledge and belief, is a true and correct record of the proceedings of said convention.

J. R. FRAILEY,
President.

MAT A. TINLEY,
Secretary.

BYRON G. ALLEN,
Journal Clerk.

RESULT OF SPECIAL ELECTION

Of June 20, 1933, for election of Delegates to a Constitutional Convention called to act upon a proposed amendment to the Constitution of the United States:

County	For Delegates Favoring Ratification	For Delegates Opposing Ratification	County	For Delegates Favoring Ratification	For Delegates Opposing Ratification
Adair	1,511	2,079	Jefferson	1,961	2,415
Adams	930	2,107	Johnson	5,918	2,475
Allamakee	3,695	957	Jones	3,747	1,227
Appanoose	2,584	2,870	Keokuk	2,673	2,451
Audubon	1,555	1,326	Kossuth	4,506	2,498
Benton	4,795	1,495	Lee	8,259	2,828
Black Hawk	10,631	6,477	Linn	15,172	6,426
Boone	3,788	3,581	Louisa	1,584	1,702
Bremer	3,588	1,223	Lucas	1,596	2,605
Buchanan	2,964	2,446	Lyon	1,983	658
Buena Vista	2,221	2,070	Madison	1,182	2,529
Butler	2,264	2,254	Mahaska	2,384	3,849
Calhoun	2,775	1,960	Marion	2,612	3,749
Carroll	5,353	1,331	Marshall	3,964	4,333
Cass	2,583	2,665	Mills	1,548	2,139
Cedar	3,239	1,498	Mitchell	2,277	1,852
Cerro Gordo	5,075	3,746	Monona	1,880	1,714
Cherokee	2,783	1,547	Monroe	2,279	1,976
Chickasaw	3,564	1,108	Montgomery	1,632	2,801
Clarke	771	1,994	Muscatine	4,978	2,643
Clay	2,061	1,918	O'Brien	2,772	1,906
Clayton	5,891	1,298	Osceola	1,199	1,532
Clinton	11,626	1,504	Page	1,635	4,389
Crawford	4,457	1,369	Palo Alto	2,828	2,097
Dallas	2,939	3,748	Plymouth	5,446	1,511
Davis	982	1,818	Pocahontas	2,464	1,552
Decatur	1,280	2,311	Polk	23,842	14,354
Delaware	3,206	1,922	Pottawattamie	8,136	3,985
Des Moines	7,132	2,834	Poweshiek	2,216	3,209
Dickinson	1,523	1,540	Ringgold	711	2,505
Dubuque	19,805	1,237	Sac	2,481	1,862
Emmet	1,421	1,847	Scott	17,761	2,377
Fayette	4,759	2,321	Shelby	2,879	1,734
Floyd	2,691	2,052	Sioux	3,265	2,688
Franklin	1,915	1,661	Story	2,817	5,563
Fremont	1,305	1,813	Tama	4,105	2,381
Greene	1,552	2,667	Taylor	1,017	2,902
Grundy	1,678	1,626	Union	1,833	2,678
Guthrie	1,601	2,658	Van Buren	1,303	2,408
Hamilton	1,962	2,784	Wapello	5,647	4,038
Hancock	2,183	1,559	Warren	1,528	3,539
Hardin	2,592	3,139	Washington	2,819	3,383
Harrison	3,482	2,678	Wayne	1,209	2,493
Henry	2,205	2,769	Webster	6,480	3,281
Howard	2,678	1,204	Winnebago	1,082	2,213
Humboldt	1,542	1,412	Winneshiek	4,675	1,334
Ida	2,023	931	Woodbury	14,994	5,462
Iowa	3,124	1,354	Worth	1,172	1,184
Jackson	4,172	825	Wright	2,441	2,832
Jasper	3,318	4,769			
			Total	376,661	249,534

There were also 188 votes cast for unpledged delegates.

HISTORY OF SENATE BILLS IN SENATE

SENATE FILES AND JOINT RESOLUTIONS PASSED AND APPROVED

12, 17, 18, 19, 20, 24, 26, 27, 28, 41, 42, 51, 59, 63, 65, 68, 69, 70, 71, 74, 79, 80, 83, 85, 90, 91, 93, 94, 95, 97, 102, 103, 105, 108, 109, 113, 115, 118, 122, 123, 126, 132, 141, 148, 149, 153, 157, 168, 169, 177, 181, 182, 184, 203, 206, 221, 223, 224, 226, 227, 228, 229, 232, 233, 234, 235, 238, 239, 240, 241, 242, 243, 244, 246, 248, 249, 251, 252, 254, 255, 256, 257, 258, 259, 260, 261, 263, 266, 267, 268, 269, 270, 273, 276, 277, 278, 279, 280, 281, 283, 285, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 303, 304, 305, 306, 307, 308, 309, 310, 311, 314, 321, 322, 324, 326, 327, 328. J. R. 2, 3.

PASSED BY BOTH HOUSES, SENT SECRETARY OF STATE

J. R. 1.

RECORD OF EACH SENATE BILL

Senate File No.	Page
1 By Chrystal, Geske, Kimberley, Knudson, Roelofs, Valentine. Administration bill; taxation, sales, income taxes. Introduced, referred 33.	51
Recommended amendment and passage 281.	282
Made special order 286.	286
Amendment filed 296, 330, 337, 342-347, 368, 411, 412, 434, 447, 448, 449, 450, 476, 488, 546, 555, 556, 595.	664
Made special order 809.	809
H. F. 1 substituted 825.	825
2 By Bennett, Valentine. Foreign corporations; registration, licensing. Introduced, referred 33.	51
To sifting committee 1003.	1003
3 By Bennett, Nelson, Valentine. Co-operative corporations; organization, regulation. Introduced, referred 34.	51
Recommended amendment and passage 108-110.	110
Amendment filed 132.	133
Report adopted 139.	140
Committee amendments adopted 139, 140.	142
Amendments as amended, adopted 140-142.	143
Passed; ayes 45, nays 1 143.	143
4 By Bennett, Valentine. Organization of nonprofit corporations. Introduced, referred 34.	52
To sifting committee 1003.	1003
5 By Bennett, Valentine. Sale of stock on the installment plan. Introduced, referred 35.	52
To sifting committee 1003.	1003
6 By Bennett, Valentine. Corporations for profit; franchise tax. Introduced, referred 35.	52
To sifting committee 1003.	1003
7 By Reese. Sale of replacement parts of machines and mechanical devices. Introduced, referred 35.	52
To sifting committee 1003.	1003

Senate File No.	Page
8 - By Reese. Legalizing act. Introduced, referred 35.	52
Withdrawn 306.	306
9 By Shangle. Taxation of bank stock. Introduced, referred 36.	52
Withdrawn 526.	526
10 By Shangle. Compensation of county supervisors. Introduced, referred 36.	52
Recommended amendment and passage 261.	261
Amendment filed 528.	528
Report adopted 829.	829
Amended 829.	829
Failed to pass; ayes 1; nays 39..	830
11 By Shangle. Resale of land under execution. Introduced, referred 36.	52
Recommended amendment and passage 290.	290
Report adopted 701.	701
Amended 701.	701
Failed to pass; ayes 16, nays 26	702
12 By Shangle. Redemption by debtor of real property from execution sale. Introduced, referred 36.	52
Recommended amendment and passage 290.	290
Report adopted 706.	706
Amended 706.	706
Passed; ayes 37 nays 0 706.	706
Received back 982.	982
Reported enrolled 996.	996
Signed by President 996.	996
Sent to Governor 996.	996
Signed by Governor 1054.	1054
13 By Schmidt. Switch engine crews. Introduced, referred 41.	52
Recommended passage 261.	261
Rereferred 303.	303
To sifting committee 1003.	1003
14 By Schmidt. Appropriation to Charles Anderson. Introduced, referred 41.	52
15 By Schmidt. Capitalization of state banks. Introduced, referred 42.	52
Amendment filed 292.	292

Senate File No.	Page
Recommended passage	328
Amendment filed	568
Report adopted	796
Amended	797
Passed; ayes 36, nays 0.....	798
16 By Schmidt. Place of bringing actions.	
Introduced, referred	42, 52
Recommended indefinite postponement	187
Report adopted	227
17 By Schmidt. Mileage of sheriffs and deputies.	
Introduced, referred	42, 52
Recommended amendment and passage	122
Action deferred	149
Amendments filed	158, 159
Action deferred	165
Referred	182
Amendment filed	190
Recommended amendment and passage	260
Report adopted	716
Amended	716
Passed; ayes 40, nays 0.....	717
Received back	1086
Concurred	1123
Reported enrolled	1170
Signed by President.....	1170
Sent to Governor.....	1170
Signed by Governor.....	1242
18 By Schmidt. Safety-glass on motor vehicles.	
Introduced, referred	42, 52
Amendment filed	131, 132
Recommended amendment and no further recommendation..	433
Amendment filed	810
Report adopted	921
Amended	921
Passed; ayes 26, nays 19.....	922
Received back	1382
Reported enrolled	1418
Signed by President.....	1418
Sent to Governor.....	1419
Signed by Governor.....	1453
19 By Tripp. Sewage disposal plants.	
Introduced, referred	42, 52
Recommended passage	186
Report adopted	195
Passed; ayes 45, nays 0.....	195
Received back	503
Reported enrolled	513
Signed by President.....	513
Sent to Governor.....	526
Signed by Governor.....	553
20 By Tripp. Sewer bonds for outlets and purifying plants.	
Introduced, referred	42, 52
Reported without recommendation	187
Report adopted	195
Passed; ayes 44, nays 2.....	196
Received back	503
Concurred	505
Reported enrolled	513
Signed by President.....	513
Sent to Governor.....	526
Signed by Governor.....	553
21 By Tripp. Losses of the county treasurer.	
Introduced, referred	42, 52
Reported without recommendation	260

Senate File No.	Page
Amendment adopted	504
Failed to pass; ays 17, nays 24..	504
Motion to reconsider filed.....	510
Motion withdrawn	1204
22 By Chrystal. Apportioning the cost of treatment of indigent persons at the State University hospital.	
Introduced, referred	43, 52
To sifting committee.....	1003
23 By Hopkins. Appointment of members of the General Assembly to office.	
Introduced, referred	43, 52
Withdrawn	351
24 By Doze. Telephone service between companies.	
Introduced, referred	43, 52
Placed on calendar.....	229
Amendment filed	263
Amendments adopted	270
Passed; ayes 39, nays 8.....	271
Received back	513
Reported enrolled	526
Signed by President.....	526
Sent to Governor.....	530
Signed by Governor.....	554
25 By Hicklin. Dams on non-navigable streams of the state.	
Introduced, referred	43, 52
Recommended passage	189
Action deferred	208
Withdrawn	223
26 By Committee on Rules. Printing of legalizing acts.	
Introduced, placed on calendar..	43
Passed; ayes 43, nays 0.....	54
Received back	100
Report enrolled	106
Signed by President.....	106
Sent to Governor.....	108
Signed by Governor.....	114
27 By Committee on Rules. Rules of parliamentary practice in use by the General Assembly.	
Introduced, placed on calendar..	44
Passed; ayes 44; nays 0.....	54
Received back	100
Reported enrolled	106
Signed by President.....	106
Sent to Governor.....	108
Signed by Governor.....	114
28 By Anderson. Concerning inquiry religious affiliations of persons seeking employment in public offices.	
Introduced, referred	52, 95
Recommended amendment and passage	187
Committee amendments adopted	197
Amended	197, 198
Action deferred	199, 208, 223, 267, 286, 316, 1204
Amendments filed	202, 203, 262
Amended	1220, 1221
Passed; ayes 38, nays 7.....	1221
Title amended	1222

Senate File No.	Page
Received back	1382
Reported enrolled	1418
Signed by President	1418
Sent to Governor	1419
Signed by Governor	1454
29 By Hush. Assessment upon moneys and credits.	
Introduced, referred	52
Amendments filed	173
To sifting committee	1003
30 By Meyer. Legalizing act.	
Introduced, referred	53
Recommended passage	187
Report adopted	208
H. F. 44 substituted	208
Withdrawn	209
31 By Hopkins. Liability insurance for employees operating state owned motor vehicles.	
Introduced, referred	53
To sifting committee	1003
32 By Wenner. Chattel loans.	
Introduced, referred	53
Recommended indefinite postponement	328
Report rejected	815
Amendment filed	940, 941, 942
Withdrawn	134, 1416
33 By Harrington, Hicklin, Tripp. Gross income tax.	
Introduced, referred	56
Placed on calendar	279
Amendment filed	330
To sifting committee	1003
34 By Byers. Buildings for police stations and jails.	
Introduced, referred	56
Withdrawn	91
35 By Hill. Rate of interest on small loans.	
Introduced, referred	64
Amendment filed	299, 940
Placed on calendar	303
Amendment filed	941, 942
To sifting committee	1003
36 By Ritchie. Tax on retail sales of industrial alcohol manufactured from black strap molasses.	
Introduced, referred	65
Recommended amendment and passage	329
To sifting committee	1003
37 By Stanley. Severance of territory from a city or town.	
Introduced, referred	65
Recommended indefinite postponement	186
Report adopted	209
To sifting committee	1003
38 By Tripp. Bonds of county treasurers.	
Introduced, referred	65
Recommended passage	260
Report adopted	830
Failed to pass; ayes 5, nays 24..	830
39 By Reese. Employment of citizens in state institutions.	
Introduced, referred	65

Senate File No.	Page
Recommended amendment and passage	261
Report adopted	719
Amended	719, 720
Action deferred	720
Withdrawn	1218
40 By Reese. Exemption for automobile receiving set.	
Introduced, referred	65
Recommended amendment and passage	252
Amendment filed	253, 262
Action deferred	275
Committee amendments adopted	322
Amended	323
Passed; ayes 35, nays 0	323
41 By Stanley. Selection and platting of a homestead.	
Introduced, referred	65
Recommended passage	250
Report adopted	275
Passed; ayes 40, nays 0	275
Received back	950
Reported enrolled	962
Signed by President	963
Sent to Governor	978
Signed by Governor	1018
42 By Frailey, Kimberly. Old age pension law.	
Introduced, referred	65
Recommended passage	290
Rereferred	336
Recommended passage	566
Made special order	877
Amended	1145-1150, 1164, 1172
Passed; ayes 46, nays 2	1173
Title amended	1173
Received back	1375
Concurred	1381
Reported enrolled	1418
Signed by President	1418
Sent to Governor	1419
Signed by Governor	1454
43 By Calhoun. Computation of workmen's compensation.	
Introduced, referred	66
Reported without recommendation	252
Action deferred	276
Made special order	289
Amendment filed	293
Report adopted	984
Amended	986
Failed to pass; ayes 4, nays 38..	986
44 By Wilson. Method of preparing bills and the manner of printing same.	
Introduced, referred	66
Reported without recommendation	566
To sifting committee	1003
45 By Roelofs. Rate of interest on permanent school fund.	
Introduced, referred	66
Recommended indefinite postponement	189
Action deferred	226
To sifting committee	1003
46 By Hill. Resisting of execution of process.	
Introduced, referred	71
Withdrawn	105
47 By Hill. Crime of riot.	
Introduced, referred	71
Withdrawn	105

Senate File No.	Page
48 By Valentine. Sale of prison made goods.	
Introduced, referred.....	71
Recommended passage.....	327
Amendment filed.....	511
To sifting committee.....	1003
49 By Committee on Banks and Banking. Incorporation of state banks.	
Introduced, placed on calendar..	74
Action deferred.....	91
H. F. 87 substituted.....	100
Withdrawn.....	120
50 By Committee on Banks and Banking. Preferred stock by state banks.	
Introduced, placed on calendar..	74
Action deferred.....	91, 149
Amendments filed.....	100
H. F. 122 substituted.....	167
Withdrawn.....	169
51 By Stevens of Wapello. Motor vehicle license fees.	
Introduced, referred.....	77
Recommended amendment and passage.....	169
Committee amendments adopted	170
Passed; ayes 43, nays 0.....	170
Received back.....	308
Reported enrolled.....	325
Signed by President.....	325
Sent to Governor.....	325
Signed by Governor.....	360
52 By Harrington. Interstate bridges.	
Introduced, referred.....	77
Recommended indefinite postponement.....	292
Rereferred to highways.....	538
To sifting committee.....	1003
53 By McArthur. Extension work in rural communities.	
Introduced, referred.....	93
Placed on calendar.....	237
Rereferred to agriculture.....	270
Amendments filed.....	283, 284
Recommended amendment and passage.....	408-411
Amendment filed.....	612
Report adopted.....	684
Amended.....	687-688
Amendments filed.....	694, 1253
Motion to reconsider filed.....	709
Motion to refer prevailed.....	1270
54 By Frailey. Non-intoxicating liquors.	
Introduced, referred.....	93
Recommended passage.....	250
Amendment filed.....	262
Amendments adopted.....	276, 277
Passed; ayes 29, nays 5.....	277
55 By Harrington. Packing plants and concentration points.	
Introduced, referred.....	93
Recommended indefinite postponement.....	258
To sifting committee.....	1003
56 By Miller of Jones. Mutual insurance companies.	
Introduced, referred.....	93
Recommended passage.....	249
Report adopted.....	277
House File 77 substituted.....	277
Withdrawn.....	278

Senate File No.	Page
57 By Hill. Assessment of moneys and credits.	
Introduced, referred.....	94
Amendment filed.....	253
Recommended amendment and passage.....	280
Report adopted.....	319
Committee amendment adopted	319
Passed; ayes 37, nays 0.....	320
58 By Chrystal, Hicklin, Nelson, Roelofs. Regulation of small loans.	
Introduced, referred.....	96
Recommended indefinite postponement.....	328
Report rejected.....	816
Amendment filed.....	941, 942, 943
Withdrawn.....	1372
59 By Booth. Transfer of funds in Cass county.	
Introduced, referred.....	97
Recommended passage.....	188
Action deferred.....	210
Report adopted.....	223
Passed; ayes 41, nays 1.....	224
Received back.....	246
Reported enrolled.....	302
Signed by President.....	302
Sent to Governor.....	302
Signed by Governor.....	359
60 By Miller of Buchanan. Debt named in a mortgage upon real estate to be specific in amount.	
Introduced, referred.....	97
Placed on calendar.....	322
Amended.....	714
Passed; ayes 32, nays 8.....	714
Title amended.....	715
61 By Miller of Buchanan. Exemption of members of fire companies.	
Introduced, referred.....	97
Recommended indefinite postponement.....	280
To sifting committee.....	1003
62 By Chrystal. Legalizing act.	
Introduced, referred.....	97
Recommended indefinite postponement.....	407
H. F. 89 substituted.....	678
Withdrawn.....	680
63 By Miller of Buchanan. Memorial buildings and monuments.	
Introduced, referred.....	97
Recommended passage.....	259
Passed; ayes 32, nays 0.....	321
Received back.....	539
Reported enrolled.....	543
Signed by President.....	543
Sent to Governor.....	548
Signed by Governor.....	558
64 By Mullaney. Appropriation to Thomas Byrnes.	
Introduced, referred.....	98
Withdrawn.....	572
65 By Topping. Armories.	
Introduced, referred.....	98
Recommended passage.....	292

Senate File No.	Page
Report adopted	318
Amended	318
Passed; ayes 34, nays 0	319
Received back	360
Concurred	365
Reported enrolled	432
Signed by President	433
Sent to Governor	436
Signed by Governor	513
66 By Valentine, Beatty, Beardsley Shangle, Reese, Aschenbrenner, Stevens of Wapello, Stevens of Decatur, Wilson, Nelson, Calhoun, Doze, Coykendall. Preference for domestic materials.	
Introduced, referred	98
Recommended passage	327
Amendment filed	357
To sifting committee	1003
Placed on calendar	1206
Amendment filed	1253, 1362
Amended	1360, 1367
Made special order	1361
Passed; ayes 35, nays 6	1363
Title amended	1368
67 By Bennett. Interest on delinquent taxes.	
Introduced, referred	98
Recommended indefinite postponement	280
To sifting committee	1003
68 By Chrystal, Schmidt. Appropriation for the State Board of Conservation.	
Introduced, referred	103
Reported without recommendation	352
Report adopted	1265
Passed; ayes 42, nays 2	1266
Received back	1415
Amended	1416
Concurred	1416
House concurrence received	1424
Reported enrolled	1450
Signed by President	1450
Sent to Governor	1450
Signed by Governor	1454
69 By Ritchie. Fees under the unbonded agricultural warehouse act.	
Introduced, referred	103
Recommended amendment and passage	259
Amendments adopted	266
Passed; ayes 46, nays 0	266
Received back	272
Reported enrolled	302
Signed by President	302
Sent to Governor	302
Signed by Governor	359
70 By Ritchie. Delinquent tax sales.	
Introduced, referred	103
Made special order	107
Amendments filed	111
Amended	115
Passed; ayes 47, nays 0	115
Received back	121
Concurred	121
Reported enrolled	153
Signed by President	153
Sent to Governor	154
Signed by Governor	208

Senate File No.	Page
71 By Chrystal. Lands for National Forests.	
Introduced, referred	103
Recommended passage	201
Passed; ayes 45, nays 0	268
Received back	513
Reported enrolled	526
Signed by President	526
Sent to Governor	530
Signed by Governor	554
72 By Chrystal. Appropriation for State Board of Conservation.	
Introduced, referred	103
Withdrawn	114
73 By Chrystal. Compensation for use of private autos by nonsalaried members of State Boards and Commissions.	
Introduced, referred	103
Recommended passage	189
Amendments filed	202, 263, 267
Action deferred	223
Amended	267, 268
Failed to pass; ayes 12, nays 34	268
74 By Chrystal. Purchase of land for state parks by cities.	
Introduced, referred	104
Recommended passage	202
Amendments filed	262
Amendments adopted	269
Passed; ayes 46, nays 0	270
Received back	592
Reported enrolled	607
Signed by President	607
Sent to Governor	611
Signed by Governor	655
75 By Chrystal. Obstructing natural water courses and public drains.	
Introduced, referred	104
To sifting committee	1003
76 By Chrystal. Dams.	
Introduced, referred	104
Recommended passage	367
To sifting committee	1003
Placed on calendar	1364
To sifting committee	1448
77 By Schmidt. Lands for state parks.	
Introduced, referred	107
Withdrawn	114
78 By Anderson. "Blue Laws."	
Introduced, referred	107
Recommended passage	188
Amended	210
Failed to pass; ayes 15, nays 31	210
79 By Ritchie. Delinquent tax sale.	
Introduced, placed on calendar	112
Action deferred	116
Amendments filed	116, 133
Substitute amendment adopted	137
Amended	138
Passed; ayes 39, nays 3	138
Title amended	138
Received back	144
Reported enrolled	153
Signed by President	153
Sent to Governor	154
Signed by Governor	208

Senate File No.	Page
80 By Carden. Requisition of motor vehicles by county or city.	
Introduced, referred	112
Recommended passage	188
Amended	211, 212,
Passed; ayes 41, nays 3	212
Title amended	212
Received back	951
Concurred	1035
Reported enrolled	1067
Signed by President	1067
Sent to Governor	1067
Signed by Governor	1106
81 By Hicklin. Treatment of indigent persons at the university hospital.	
Introduced, referred	113
Amendment filed	173
Recommended passage	328
Withdrawn	1057
82 By Harrington. Combining city and school elections.	
Introduced, referred	113
Recommended indefinite postponement	258
To sifting committee	1003
83 By Wilson. Maximum levy for funds for fire department maintenance.	
Introduced, referred	113
Reported without recommendation	251
Made special order	289
Failed to pass; ayes 24, nays 24	311
Motion to reconsider filed	312
Action deferred	316
Motion to reconsider prevailed	457
Amended	458
Passed; ayes 29, nays 20	460
Title amended	460
Received back	478
Reported enrolled	478
Signed by President	479
Sent to Governor	479
Signed by Governor	513
84 By Committee on Agriculture. Standards for weight of bread.	
Introduced, placed on calendar	145
Amended	151, 152
Passed; ayes 33, nays 0	152
85 By Committee on Agriculture. Iowa Butter Trade-mark.	
Introduced, placed on calendar	145
Amended	150
Passed; ayes 44, nays 0	151
Received back	539
Amendment filed	539
Failed to concur	559
Motion to reconsider filed	561
Amendments filed	578
Motion to reconsider prevailed	580
Amended and concurred	581
Received back	765
Reported enrolled	804
Signed by President	804
Sent to Governor	809
Signed by Governor	814
86 By Mullaney. Appropriation to D. F. Wolfe.	
Introduced, referred	145
Withdrawn	1127

Senate File No.	Page
87 By Tripp. Restaurant license fees.	
Introduced, referred	148
Reported without recommendation	721
Amendments filed	723
To sifting committee	1003
88 By Miller of Buchanan. Transfer of funds in Buchanan county.	
Introduced, referred	148
Recommended passage	368
Report adopted	505
Amendment adopted	506
Passed; ayes 29, nays 9	506
Received back	765
89 By Wilson. Exceptions to mandatory tax reductions.	
Introduced, referred	148
To sifting committee	1003
90 By Elthon. Transportation of pupils.	
Introduced, referred	148
Recommended passage	250
Amendments filed	253, 356
Amendment withdrawn	420
Amendments adopted	420, 421
Passed; ayes 35, nays 0	421
Received back	896
Reported enrolled	918
Signed by President	919
Sent to Governor	919
Signed by Governor	927
91 By Hopkins. Closing of schools.	
Introduced, referred	148
Recommended passage	250
Report adopted	307
Passed; ayes 37, nays 0	307
Received back	592
Reported enrolled	607
Signed by President	607
Sent to Governor	611
Signed by Governor	655
92 By Fralley. Warehouseman's lien.	
Introduced, referred	160
Recommended passage	721
To sifting committee	1003
93 By Committee on Motor Vehicles. Storage affidavits.	
Introduced, placed on calendar	161
Amended	185, 186
Passed; ayes 45, nays 0	186
Received back	308
Reported enrolled	325
Signed by the President	325
Sent to the Governor	325
Signed by the Governor	360
94 By Committee on Motor Vehicles. Suspension of operator's or chauffeur's licenses.	
Introduced, placed on calendar	161
Passed; ayes 41, nays 0	184
Received back	308
Reported enrolled	325
Signed by President	325
Sent to Governor	325
Signed by Governor	360
95 By Hopkins. Salaries of deputy county officials.	
Introduced, referred	161
Placed on calendar	966

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To sifting committee.....	1003
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Passed; ayes 37, nays 0.....	1029
Received back.....	1280
Refused to concur.....	1300
Received back.....	1341
Conference committee appointed.....	1353
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Report adopted.....	1366
Received back.....	1399
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Signed by President.....	1450
Sent to Governor.....	1450
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96 By Shangle. Municipal utility plants.	
Introduced, referred.....	161
Recommended indefinite postponement.....	593
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97 By Carden. Condemnation of intoxicating liquors.	
Introduced, referred.....	161
Recommended passage.....	189
Amendment filed.....	214
Report adopted.....	225
Amendments adopted.....	225
Passed; ayes 47, nays 0.....	226
Received back.....	503
Reported enrolled.....	513
Signed by President.....	513
Sent to Governor.....	526
Signed by Governor.....	554
98 By Reese. Employment of married women.	
Introduced, referred.....	161
To sifting committee.....	1003
99 By Committee on Agriculture. Iowa Swine Producers' Association.	
Introduced, referred.....	162
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100 By Committee on Agriculture. Substitutes for lard.	
Introduced, placed on calendar.....	162
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101 By Committee on Agriculture. Inspection of chick hatcheries.	
Introduced, placed on calendar.....	162
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Recommended amendment and passage.....	202
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102 By Committee on Highways. Secondary road program.	
Introduced, placed on calendar.....	171
Passed; ayes 46, nays 0.....	185
Received back.....	257
Reported enrolled.....	302
Signed by President.....	302
Sent to Governor.....	302
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103 By Harrington. Negotiable municipal revenue bonds.	
Introduced, referred.....	171
Reported without recommendation.....	594
Amendment filed.....	682
Made special order.....	966
Report adopted.....	1004
Action deferred.....	1006
Amendment withdrawn.....	1027
Amendments filed.....	1114, 1115
Amended.....	1174, 1175
Passed; ayes 46, nays 4.....	1177
Title amended.....	1177
Received back.....	1272
Concurred.....	1282
Reported enrolled.....	1292
Signed by President.....	1292
Sent to Governor.....	1292
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104 By Tripp. Collection of taxes.	
Introduced, referred.....	171
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Amendment adopted.....	573
Passed; ayes 33, nays 1.....	573
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105 By Committee on Highways. Financing of county primary road bonded indebtedness.	
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106 By Chrystal, Roelofs. Nomination of judges.	
Introduced, referred.....	176
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107 By Miller of Buchanan. General execution for unpaid balance remaining after sale of real estate under special execution.	
Introduced, referred.....	176
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108 By Irwin. Contents of beer.	
Introduced, referred.....	192
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Passed; ayes 37, nays 0.....	828
Received back.....	1218
Reported enrolled.....	1260
Signed by President.....	1260

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109 By Irwin. Municipal expenditures.	
Introduced, referred.....	192
Reported without recommendation.....	408
Report adopted.....	519
Amended.....	519
Passed; ayes 32, nays 4.....	520
Received back.....	621
Reported enrolled.....	649
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110 By Committee on Agriculture. Agricultural seeds.	
Introduced, placed on calendar..	192
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111 By Committee on Agriculture. Live stock remedies.	
Introduced, placed on calendar..	192
Referred.....	208
Recommended indefinite postponement.....	408
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112 By Wenner. Absent voters' law.	
Introduced, referred.....	192
Recommended passage.....	527
Report adopted.....	1012
Failed to pass; ayes 15, nays 27.	1013
113 By Wenner. Probate powers of the clerk of the district court.	
Introduced, referred.....	193
Recommended passage.....	567
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Passed; ayes 36, nays 0.....	920
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114 By Klemme. Financing of secondary roads.	
Introduced, referred.....	193
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115 By Klemme. Tax levies for bridge purposes in cities.	
Introduced, referred.....	193
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116 By Baldwin. Payment of claims, applicable to guardians and trustees of estate.	
Introduced, referred.....	193
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117 By Committee on Judiciary No. 2. Warrants drawn on public treasuries and not paid for want of funds.	
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118 By Committee on Claims. Ed. A. Schmidt.	
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Passed; ayes 89, nays 1.....	1038
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Reported enrolled.....	996
Signed by President.....	996
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119 By Wilson. Levies for the lighting of streets.	
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120 By Kimberly. Appropriation for Adolph Wiese.	
Introduced, referred to claims..	194
121 By Tripp. Sales of personal property on execution.	
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122 By Geske. Legalizing act.	
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123 By Irwin. Legalizing act.	
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124 By Irwin. Nonintoxicating liquors.	
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125 By Baldwin, Harrington. Compromise of taxes on real estate.	
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126 By Valentine. Mental examination of persons who affirmatively plead their own mental disability.	
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Reported enrolled	996
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127 By Valentine, Wilson, Harrington, Geske. Practice of cosmetology.	
Introduced, referred	206
Recommended passage	545
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128 By Calhoun, Tripp. Banks and trust companies as fiduciaries.	
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Placed on calendar	519
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129 By Committee on Motor Vehicles. Portable flare equipment.	
Introduced, referred	206
Amended	229
Passed; ayes 46, nays 0	229
To steering committee	977
130 By Wenner. Certificates of teachers.	
Introduced, referred	206
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To sifting committee	1003
131 By Baldwin. Alcoholic content of beer.	
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To sifting committee	1003
132 By Aschenbrenner. Legalizing act.	
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Recommended passage	291
Report adopted	418
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133 By Topping. Action to recover taxes on property of decedents.	
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134 By Bennett. Property exempt from taxation.	
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135 By Coykendall, Knudson, Mullaney. State road patrol.	
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136 By Schmidt. Compensation and mileage of members of General Assembly.	
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137 By Chrystal. Depositing of funds by county officers.	
Introduced, passed on file	215
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138 By Chrystal. Expense of bonds for county officers.	
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139 By Doze. Cooperation with National Industrial Recovery Act.	
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140 By McArthur. Criminal fees of police judges.	
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141 By Mullaney. Legalizing act.	
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Signed by Governor	712
142 By Tripp. Nonpartisan nomination and election of judges.	
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To sifting committee	1003
143 By Hicklin. Cancellation of health or accident insurance policy during its term.	
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144 By Miller of Buchanan. Duties of fish and game commission.	
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To sifting committee	1003
145 By Mullaney. Interstate bridges.	
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146 By Anderson, Roelofs. Hydro-electric power commission.	
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147 By Committee on Claims. Mrs. B. Cole.	
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Failed to pass; ayes 18, nays 19 ..	842
148 By Committee on Claims. Mercy Hospital, Oelwein.	
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Recommended passage	283
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Passed; ayes 37, nays 2	699
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149 By Committee on Claims. Robert A. Turpin.	
Introduced, referred	221
Recommended passage	283
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Passed; ayes 41, nays 0	484
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Signed by President	996
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Signed by Governor	1054
150 By Harrington. Intoxicating liquors.	
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151 By Wilson. Payment of costs in proceedings brought against peace officer.	
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152 By Wilson. Legalizing act. Introduced, referred	222
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153 By Wilson. Stamp-Note Plan.	
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Concurred	928
Reported enrolled	962
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154 By Kimberly. Franchise elections.	
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To sifting committee	1003
155 By Chrystal, Roelofs. Di- rect buyers of livestock.	
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Amendments filed	1239
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Amended	1295
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156 By Ritchie. Forbidding sale or receivership of property under foreclosure.	
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157 By Husted. Regulation of private banks.	
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Received back	539
Reported enrolled	543
Signed by President	543
Sent to Governor	548
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158 By Knudson. Legalabili- ty of contractors on public improvement work.	
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159 By Baldwin. Beer permits. Introduced, referred	231
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160 By Baldwin, Moore. Beer permits.	
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161 By Baldwin. Amount of life insurance which may be written without medical ex- amination.	
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162 By Baldwin. Beer shipped outside state.	
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163 By Ritchie. Expiration of right of redemption of real estate sold for taxes.	
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164 By Wenner. Notice of time and place of sale in partition proceedings.	
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165 By Wenner. Firemen's pen- sion fund.	
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To sifting committee	1003
166 By Wenner. Accessories after the fact to the commis- sion of public offenses.	
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167 By Harrington, Wilson. Compensation of certain county officers.	
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168 By Topping. Preference for domestic materials.	
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Concurred	966
Reported enrolled	1028
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169 By Schmidt. Prohibiting endurance contests.	
Introduced, referred	233
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Report adopted	508
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Reported enrolled	1142
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170 By Schmidt. Examination of indigent persons.	
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171 By Schmidt. Contracts for support of poor.	
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Amendments filed	465
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172 By Schmidt. Osteopathy.	
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173 By Schmidt. Road route mile tax of motor vehicle carriers.	
Introduced, referred	234
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174 By Schmidt. Highways with rock shoulders.	
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175 By Calhoun, Schmidt. State highway patrol.	
Introduced, referred	234
Amendment filed	347
Reported without recommendation	708
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176 By Schmidt. Four lane thirty-six foot wide highways.	
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Recommended indefinite postponement	548
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177 By Committee on Claims. Violet Bencke, Nellie Powers and Opal McGarvey.	
Introduced, referred	235
Recommended passage	283
Report adopted	700
Amended	700
Passed; ayes 40, nays 2	700
Received back	839
Reported enrolled	857
Signed by President	858
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Signed by Governor.....	895
178 By Coykendall. Patent to certain lands in Fremont county.	
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Report adopted	802
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179 By Valentine. Sale of pistols.	
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180 By Valentine. Declaratory judgments.	
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181 By Committee on Judiciary No. 2. Domicile of poor persons.	
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Received back	917
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Signed by President.....	934
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182 By Committee on Judiciary No. 2. State Comptroller.	
Introduced, placed on calendar..	236
Passed; ayes 40, nays 0	304
Received back	917
Reported enrolled	934
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183 By Committee on Judiciary No. 2. Payment with "Stamp Notes."	
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Passed; ayes 37, nays 0	305
184 By Committee on Judiciary No. 2. Auditing of financial records of municipalities.	
Introduced, placed on calendar..	237
Passed; ayes 38, nays 0	306
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Reported enrolled	934
Signed by President.....	934
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Signed by Governor.....	962
185 By Stevens. Assessments of mercantile business.	
Introduced, referred	237
Recommended passage	280
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Amended	530
Passed; ayes 29, nays 2	531
Title amended	531

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186 By Knudson, Harrington. Defining motor vehicle fuel.	
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187 By Moore. Defining territorial jurisdiction of justices of peace.	
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To sifting committee	1003
188 By Tripp. Workmen's compensation and insurance.	
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189 By Reese. Levies by cities or towns for the operation and maintenance of police departments.	
Introduced, referred	239
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190 By Reese. Tax on operation of coal mines.	
Introduced, referred	239
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191 By Anderson. Deficiency relief in Webster County.	
Introduced, referred	239
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Recommended amendment and passage	554
Report adopted	564
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192 By Wilson. Cities authorized to purchase street railways.	
Introduced, referred	239
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193 By McArthur. Changing boundary lines of school districts.	
Introduced, referred	240
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194 By Geske. Building and loan associations.	
Introduced, referred	240
To sifting committee	1003
195 By Patterson. Exemptions from inheritance tax.	
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196 By Bennett. Securities on partial payment plan.	
Introduced, referred	240
To sifting committee	1003
197 By Hicklin, Wilson. Registration fee on mortgages.	
Introduced, referred	241
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198 By Elthon. Providing for suits for deficiencies.	
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199 By Harrington, Valentine. National Industrial Recovery Act.	
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Reported without recommendation	879
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200 By Harrington. Regulation of rates charged by public utilities.	
Introduced, referred	241
To sifting committee	1003
201 By Irwin. Refund of inheritance tax.	
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Recommended amendment and passage	446
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202 By Irwin. Legalizing depositors agreements for deposit of public funds.	
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Recommended passage	329
To sifting committee	1003
203 By Hicklin. Duties of State Fair Board.	
Introduced, referred	242
Recommended amendment and without further recommendation	925
To sifting committee	1003
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Passed; ayes 36, nays 3	1332
Received back	1407
Reported enrolled	1438
Signed by President	1438
Sent to Governor	1443
Signed by Governor	1454
204 By McArthur. Compensation of police judges.	
Introduced, referred	242
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205 By Hicklin. Providing for public utilities.	
Introduced, referred	242
To sifting committee	1003
206 By Geske. Conversion of building and loan associations.	
Introduced, referred	242
Placed on calendar	680
Amended	705
Passed; ayes 36, nays 0	705
Received back	1108
Reported enrolled	1120
Signed by President	1120
Sent to Governor	1143
Signed by Governor	1185
207 By McArthur. Permits for the sale of beer.	
Introduced, referred	243
To sifting committee	1003
208 By Irwin. Compromising of taxes on personal property.	
Introduced, referred	243
Recommended passage	446
To sifting committee	1003

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209 By Harrington, Hicklin, Tripp, Topping, Meyer, Moore, Miller of Jones, Reese, Mullaney, Fisch, Schmidt. Gross income tax.	
Introduced, referred	243
Amendment filed	330, 338
Amended	604
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210 By Stevens of Wapello, Beatty, Bennett, Chrystal, Coykendall, Harrington, Hicklin, Hopkins, Husted, Miller of Jones, Nelson, Reese, Ritchie, Shangle, Stanley, Stevens of Decatur, Topping, Taxation.	
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To sifting committee	1003
211 By Chrystal. Salaries of public officials.	
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212 By Irwin. Claims against State Sinking Fund.	
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213 By Anderson. Board of Photographic Examiners.	
Introduced, referred	244
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214 By Schmidt. Sale of non-intoxicating liquors.	
Introduced, referred	244
To sifting committee	1003
215 By Wilson, Hicklin. Pipe line companies.	
Introduced, referred	245
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H. F. 216 substituted	998
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216 By Committee on Labor. Fees for the operation of employment agency.	
Introduced, placed on calendar ..	265
H. F. 265 substituted	522
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217 By Committee on Labor. Limitation of fees by employment agency.	
Introduced, placed on calendar ..	265
H. F. 264, substituted	652
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218 By Committee on Insurance. Disposition of securities deposited with the insurance commissioner.	
Introduced, placed on calendar ..	265
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219 By Committee on County and Township Affairs. Police radio broadcasting system.	
Introduced, placed on calendar ..	265
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H. F. 268 substituted	967
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220 By Committee on Motor Vehicles, Operators' and chauffeurs' license.	
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Failed to pass; ayes 8, nays 34 ..	843
221 By Committee on Motor Vehicles. Surrendering license plates.	
Introduced, placed on calendar ..	279
Passed; ayes 36, nays 0	321
Received back	498
Concurred	498
Reported enrolled	499
Signed by President	499
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222 By Committee on Labor. National employment system cooperation with State.	
Introduced, referred	301
Recommended passage	447
H. F. 271 substituted	599
Withdrawn	600
223 By Committee on Elections. Qualifications of absent voters.	
Introduced, placed on calendar ..	316
Referred	336
Recommended amendment and passage	721
Report adopted	1010
Amendments adopted	1010
Passed; ayes 42, nays 0	1011
Received back	1108
Reported enrolled	1120
Signed by President	1120
Sent to Governor	1143
Signed by Governor	1185
224 By Committee on Elections. Compensation of election boards.	
Introduced, placed on calendar ..	316
Referred	336
Recommended passage	722
Report adopted	1011
Passed; ayes 41, nays 0	1012
Received back	1108
Reported enrolled	1120
Signed by President	1120
Sent to Governor	1143
Signed by Governor	1185
225 By Committee on Elections. Nomination papers.	
Introduced, placed on calendar ..	316
Referred	336
Recommended indefinite postponement	722
Report adopted	1012
226 By Committee on Highways. State Highway Commission to cooperate with the Federal Government.	
Introduced, placed on calendar ..	336
Passed; ayes 33, nays 0	416
Received back	502
Reported enrolled	513
Signed by President	513
Sent to Governor	526
Signed by Governor	554
227 By Committee on Banks and Banking. Regulating sale of securities.	
Introduced, placed on calendar ..	350

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Amended	805
Passed; ayes 38, nays 1.....	806
Received back	1292
Reported enrolled	1391
Signed by President.....	1392
Sent to Governor.....	1411
Signed by Governor.....	1454
228 By Committee on County and Township Affairs. Transfer of funds in Winneshiek County.	
Introduced, placed on calendar..	355
Passed; ayes 30, nays 7.....	496
Received back	1028
Reported enrolled	1057
Signed by President.....	1057
Sent to Governor.....	1067
Signed by Governor.....	1106
229 By Committee on County and Township Affairs. Legalizing act.	
Introduced, placed on calendar..	355
Amended	416
Passed; ayes 35, nays 0.....	417
Received back	591
Reported enrolled	607
Signed by President	607
Sent to Governor.....	611
Signed by Governor.....	655
230 By Hicklin, Nelson, Tripp, Husted, Wenner, Elthon, Coykendall, Topping, Fisch, Stevens, Booth, Baldwin, Stanley, Moore. Gross income and sales tax.	
Introduced, referred	365
Amendments filed	412
449, 614-616, 625-628, 654, 664-667	
To sifting committee.....	1003
231 By Committee on Public Schools. School facilities for children along changed state boundary.	
Introduced, placed on calendar..	366
Amendments filed	422
Amendment filed	624
To sifting committee.....	1003
Placed on calendar.....	1003
Amended	1022, 1023
Passed; ayes 27, nays 0.....	1023
232 By Committee on Drainage. Classification of levees and drainage districts.	
Introduced, placed on calendar..	366
Passed; ayes 36, nays 0.....	418
Received back	950
Concurred	1010
Reported enrolled	1028
Signed by President.....	1028
Sent to Governor.....	1028
Signed by Governor.....	1120
233 By Committee on Drainage. Conservator for drainage districts.	
Introduced, placed on calendar..	366
Amendment filed	613, 760
Amended	800
Passed; ayes 40, nays 3.....	801
Received back	1119
Amended and concurred.....	1200
Received back	1223
Reported enrolled	1260

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Signed by President.....	1260
Sent to Governor.....	1261
Signed by Governor.....	1337
234 By Committee on Cities and Towns. Legalizing act.	
Introduced, placed on calendar..	370
Passed; ayes 30, nays 0.....	571
Received back	765
Reported enrolled	782
Signed by President.....	783
Sent to Governor.....	783
Signed by Governor.....	813
235 By Committee on Agriculture. Cooperation with National Corn Loan Act.	
Introduced, referred	432
Placed on calendar.....	499
Passed; ayes 31, nays 0.....	500
Received back	896
Reported enrolled	918
Signed by President.....	919
Sent to Governor.....	919
Signed by Governor.....	927
236 By Committee on Judiciary No. 2. Examination of financial transactions of school districts.	
Introduced, placed on calendar..	442
Passed; ayes 38, nays 0.....	479
237 By Committee on Judiciary No. 2. Motor vehicle fuel.	
Introduced, placed on calendar..	443
Passed; ayes 39, nays 0.....	480
238 By Committee on Appropriations. Expenses of the special corporation commission.	
Introduced, placed on calendar..	456
Passed; ayes 38, nays 0.....	483
Received back	592
Concurred	593
Reported enrolled	610
Signed by President.....	611
Sent to Governor.....	611
Signed by Governor.....	656
239 By Committee on County and Township Affairs. Limitation of boundaries of benefited water districts.	
Introduced, placed on calendar..	485
Amended	517
Passed; ayes 35, nays 3.....	518
Received back	1207
Concurred	1243
Reported enrolled	1260
Signed by President.....	1260
Sent to Governor.....	1261
Signed by Governor.....	1293
240 By Committee on Banks and Banking. Public funds in bank whose deposit liabilities have been assumed by another bank.	
Introduced, placed on calendar..	527
Amended	532
Passed; ayes 30, nays 1.....	532
Received back	765
Reported enrolled	782
Signed by President.....	783
Sent to Governor.....	783
Signed by Governor.....	1278
241 By Committee on Judiciary No. 2. Legalizing act.	
Introduced, placed on calendar..	529

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Passed; ayes 42, nays 0.....	562
Received back	765
Reported enrolled	782
Signed by President.....	783
Sent to Governor.....	783
Signed by Governor.....	814
242 By Committee on Fish and Game. Protection of fish and game.	
Introduced, placed on calendar..	530
Amended	566
Amended	570
Action deferred	566
Passed; ayes 30, nays 0.....	570
Received back	1021
Concurred	1036
Reported enrolled	1067
Signed by President.....	1067
Sent to Governor.....	1067
Signed by Governor.....	1106
243 By Committee on Fish and Game. Increasing license fees.	
Introduced, placed on calendar..	530
Amendment filed	624
Amendment adopted	831
Passed; ayes 32, nays 7.....	832
Received back	1406
Reported enrolled	1438
Signed by President.....	1438
Sent to Governor.....	1443
Signed by Governor.....	1454
244 By Committee on Judiciary No. 2. Legalizing act.	
Introduced, placed on calendar..	558
Passed; ayes 37, nays 0.....	645
Received back	765
Reported enrolled	782
Signed by President.....	783
Sent to Governor.....	783
Signed by Governor.....	813
245 By Committee on Judiciary No. 2. Method of procedure under the workmen's com- pensation act.	
Introduced, placed on calendar..	558
Amended	718
Passed; ayes 27, nays 2.....	718
Motion to reconsider filed.....	718
Motion to reconsider withdrawn	796
246 By Committee on Judiciary No. 2. Legalizing act.	
Introduced, placed on calendar..	558
Amended	650
Passed; ayes 38, nays 0.....	650
Received back	839
Reported enrolled	857
Signed by President.....	858
Sent to Governor.....	858
Signed by Governor.....	895
247 By Committee on Military Affairs. Military law of the State.	
Introduced, referred	558
Referred	699
To sifting committee.....	1003
Withdrawn	1144
Ordered engrossed from print- ed copy	1449
248 By Committee on Cities and Towns. Legalizing act.	
Introduced, placed on calendar..	591
Passed; ayes 44, nays 0.....	798
Received back	1028
Concurred	1035

Senate File No.	Page
Reported enrolled	1067
Signed by President.....	1067
Sent to Governor.....	1067
Signed by Governor.....	1106
249 By Committee on Claims. I. N. Salyers.	
Introduced, referred	598
Recommended passage	624
Report adopted	923
Passed; ayes 37, nays 0.....	923
Received back	1279
Reported enrolled	1336
Signed by President.....	1336
Sent to Governor.....	1337
Signed by Governor.....	1452
250 By Committee on Claims. John Wendt.	
Introduced, referred	598
Reported without recommenda- tion	624
Amended	923
251 By Committee on County and Township Affairs. Le- galizing act.	
Introduced, placed on calendar..	598
Passed; ayes 35, nays 5.....	656
Received back	765
Reported enrolled	782
Signed by President.....	783
Sent to Governor.....	783
Signed by Governor.....	813
252 By Committee on Agricul- ture. Charges to be paid un- der bonded agricultural ware- house act.	
Introduced, placed on calendar..	606
Passed; ayes 43, nays 0.....	620
Received back	1207
Concurred	1216
Reported enrolled	1260
Signed by President.....	1260
Sent to Governor.....	1261
Signed by Governor.....	1337
253 By Committee on Public Schools. Replacing of school property.	
Introduced, placed on calendar..	617
To sifting committee.....	1003
254 By Committee on County and Township Affairs. Le- galizing act.	
Introduced, placed on calendar..	629
Passed; ayes 39, nays 0.....	652
Received back	896
Reported enrolled	918
Signed by President.....	919
Sent to Governor.....	919
Signed by Governor.....	927
255 By Committee on County and Township Affairs. Le- galizing act.	
Introduced, placed on calendar..	637
Passed; ayes 44, nays 1.....	678
Received back	1108
Reported enrolled	1120
Signed by President.....	1120
Sent to Governor.....	1143
Signed by Governor.....	1162
256 By Committee on Claims. City of Waterloo.	
Introduced, referred	637
Recommended passage	694
Report adopted	629

Senate File No.	Page
Passed; ayes 38, nays 0	929
Received back	1090
Reported enrolled	1120
Signed by President	1120
Sent to Governor	1143
Signed by Governor	1162
257 By Committee on Claims.	
Soldier Valley Telephone and Telegraph Company.	
Introduced, referred	637
Recommended passage	694
Report adopted	929
Passed; ayes 40, nays 0	930
Received back	1090
Reported enrolled	1120
Signed by President	1120
Sent to Governor	1143
Signed by Governor	1162
258 By Committee on Claims.	
B. Agard.	
Introduced, referred	637
Recommended passage	694
Report adopted	1124
Passed; ayes 37, nays 1	1124
Received back	1279
Reported enrolled	1336
Signed by President	1336
Sent to Governor	1337
Signed by Governor	1452
259 By Committee on Claims.	
Robert A. Miller.	
Introduced, referred	637
Recommended passage	694
Report adopted	930
Passed; ayes 40, nays 1	931
Received back	1090
Reported enrolled	1120
Signed by President	1120
Sent to Governor	1143
Signed by Governor	1162
260 By Committee on Claims.	
Dan Rhodes.	
Introduced, referred	637
Recommended passage	693
Report adopted	936
Passed; ayes 40, nays 0	936
Received back	1090
Reported enrolled	1120
Signed by President	1120
Sent to Governor	1143
Signed by Governor	1162
261 By Committee on Claims.	
Lewis G. Rodman.	
Introduced, referred	637
Recommended passage	693
Report adopted	1124
Passed; ayes 37, nays 1	1125
Received back	1279
Reported enrolled	1336
Signed by President	1336
Sent to Governor	1337
Signed by Governor	1452
262 By Committee on Claims.	
Merwyn Walker.	
Introduced, referred	637
Withdrawn	1178
263 By Committee on Claims.	
Cornell College.	
Introduced, referred	638
Recommended passage	693
Report adopted	936
Passed; ayes 38, nays 2	937
Received back	1089
Reported enrolled	1120

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Signed by President	1120
Sent to Governor	1143
Signed by Governor	1162
264 By Committee on County and Township Affairs. Costs and fees in office of clerk of district court.	
Introduced, placed on calendar	638
To sifting committee	1003
265 By Committee on Drainage. Jurisdiction of the State Board of Conservation over streams and lakes.	
Introduced, placed on calendar	653
To sifting committee	1003
Placed on calendar	1163
Passed; ayes 37, nays 4	1265
Received back	1407
266 By Committee on Claims. Employees of the Department of Agriculture.	
Introduced, referred	663
Recommended passage	693
Report adopted	937
Passed; ayes 37, nays 1	937
Received back	1089
Reported enrolled	1120
Signed by President	1120
Sent to Governor	1143
Signed by Governor	1162
267 By Committee on Agriculture. Insurance on grain stored.	
Introduced, placed on calendar	680
Passed; ayes 38, nays 0	697
Received back	717
Reported enrolled	726
Signed by the President	726
Sent to the Governor	726
Signed by Governor	730
268 By Committee on Cities and Towns. Financing swimming pools, etc.	
Introduced, placed on calendar	681
Passed; ayes 37, nays 0	707
Received back	838
Reported enrolled	857
Signed by President	858
Sent to Governor	858
Signed by Governor	895
269 By Committee on Cities and Towns. Segregation of taxes.	
Introduced, placed on calendar	681
Passed; ayes 31, nays 0	704
Received back	857
Reported enrolled	872
Signed by President	872
Sent to Governor	872
Signed by Governor	915
270 By Committee on Appropriations. To the State Board of Education.	
Introduced, placed on calendar	692
Passed; ayes 40, nays 0	698
Received back	790
Reported enrolled	804
Signed by President	804
Sent to Governor	809
Signed by Governor	814
271 By Committee on Claims. Secretary of War.	
Introduced, referred	693
Withdrawn	939

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272 By Committee of the Whole. Limiting the amount of taxes assessed.	
Introduced, placed on calendar..	697
Made special order.....	711
Amendments filed	
722, 723, 724, 728, 760, 761,	762
Action deferred.....	759
Amended.....	769, 770, 775, 777, 778
Motion to reconsider filed.....	779
Amendments filed	779, 780
Amended.....	784, 785, 786, 789
Motion to reconsider.....	789
Mot'on to reconsider filed.....	790
Motions to reconsider withdrawn	
.....	806, 807
Amended.....	807
Replaced on calendar by S. F. 1	809
To sifting committee.....	1003
273 By Committee on High- ways. Closing vacated sec- ondary roads.	
Introduced, placed on calendar..	710
Passed; ayes 40, nays 1.....	802
Received back	982
Refused to concur.....	1007
Received back	1095
Conference committee appointed	1096
Report filed	1188
Report adopted	1196
Received back	1223
Reported enrolled	1260
Signed by President.....	1260
Sent to Governor.....	1261
Signed by Governor.....	1337
274 By Committee on Board of Control. Unexpended appro- priation of the 44th and pre- vious General Assemblies.	
Introduced, placed on calendar..	720
To sifting committee.....	1003
275 By Committee on Judiciary No. 1. Legalizing act.	
Introduced, placed on calendar..	726
To sifting committee.....	1003
276 By Committee on Military Affairs. Military Law of the state.	
Introduced, referred	763
Recommended amendment and passage	849
Made special order.....	877
Amendment filed.....	989, 990, 1014
Report adopted	993
Amended	993, 994
Made special order.....	1004
Amended	1059, 1061
Passed; ayes 32, nays 11.....	1061
Title amended	1062
Received back	1292
Reported enrolled	1336
Signed by President.....	1336
Sent to Governor.....	1337
Signed by Governor.....	1452
277 By Committee on Insurance. Investments by insurance com- panies and associations.	
Introduced, placed on calendar..	832
To sifting committee.....	1003
Placed on calendar.....	1163
Amendment filed	1183
Amended	1214
Passed; ayes 30, nays 0.....	1214
Received back	1323
Reported enrolled	1391
Signed by President.....	1392

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Sent to Governor.....	1411
Signed by Governor.....	1453
278 By Committee on Claims. Viva Trackery, Coleman Hos- pital, Dr. G. H. West, Dr. C. H. Miller, Fred J. Sternborg, Fred H. J. Sternborg.	
Introduced, referred	844
Recommended amendment and passage	909
Amended	938
Passed; ayes 40, nays 5.....	938
Received back	1279
Reported enrolled	1336
Signed by President.....	1336
Sent to Governor.....	1337
Signed by Governor.....	1452
279 By Committee on Claims. D. F. Wolfe.	
Introduced, referred	844
Recommended passage	909
Report adopted	1126
Passed; ayes 40, nays 0.....	1126
Received back	1279
Reported enrolled	1336
Signed by President.....	1336
Sent to Governor.....	1337
Signed by Governor.....	1452
280 By Committee on Claims. Secretary of War.	
Introduced, referred	844
Recommended passage	909
Amendment filed	894
Report adopted	938
Amended	939
Passed; ayes 38, nays 0.....	939
Received back	1089
Reported enrolled	1120
Signed by President.....	1120
Sent to Governor.....	1143
Signed by Governor.....	1162
281 By Committee on Appropri- ations. Direct relief work.	
Introduced, placed on calendar..	847
Made special order.....	847
Substitution made	856
Amended	856
Passed; ayes 36, nays 12.....	856
Received back	865
Refused to concur.....	866
Received back	869
Conference committee appointed	871
Report filed	878
Report adopted	879
Received back	897
Reported enrolled	908
Signed by President.....	908
Sent to Governor.....	908
Signed by Governor.....	981
282 By Committee on Motor Ve- hicles. Refunds of overpay- ments of motor vehicle li- cense fees.	
Introduced, placed on calendar..	852
To sifting committee.....	1003
283 By Committee on Cities and Towns. Cities acting under commission form of govern- ment to take title to privately owned armories.	
Introduced, placed on calendar..	853
Amendment adopted	897
Passed; ayes 38, nays 3.....	898
Received back	1028
Reported enrolled	1057

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Signed by President.....		1057
Sent to Governor.....		1067
Signed by Governor.....		1106
284 By Committee on Cities and Towns. Assessment of real estate.		
Introduced, placed on calendar..	853	
To sifting committee.....		1003
285 By Committee on Judiciary No. 2. Legalizing act.		
Introduced, placed on calendar..	860	
Passed; ayes 45, nays 0.....		903
Received back		1021
Reported enrolled		1028
Signed by President.....		1028
Sent to Governor.....		1028
Signed by Governor.....		1121
286 By Committee on Judiciary No. 2. Maintenance of the graves of soldiers.		
Introduced, placed on calendar..	860	
To sifting committee.....		1003
287 By Committee on Claims. Elmer Williams.		
Introduced, referred		875
Recommended passage		1062
Report adopted		1131
Passed; ayes 39, nays 2.....		1131
Received back		1279
Reported enrolled		1336
Signed by President.....		1336
Sent to Governor.....		1337
Signed by Governor.....		1452
288 By Committee on Claims. Ben Tarhark.		
Introduced, referred		875
Recommended passage		1062
Report adopted		1132
Passed; ayes 39; nays 0.....		1132
Received back		1279
Reported enrolled		1336
Signed by President.....		1336
Sent to Governor.....		1337
Signed by Governor.....		1453
289 By Committee on Claims. Staley Sales Corporation.		
Introduced, referred		875
Recommended passage		1062
Report adopted		1133
Passed; ayes 37, nays 1.....		1133
Received back		1279
Reported enrolled		1336
Signed by President.....		1336
Sent to Governor.....		1337
Signed by Governor.....		1452
290 By Committee on Claims. O. D. Scholl.		
Introduced, referred		876
Recommended passage		1063
Report adopted		1133
Passed; ayes 44, nays 0.....		1133
Received back		1279
Reported enrolled		1336
Signed by President.....		1336
Sent to Governor.....		1337
Signed by Governor.....		1453
291 By Committee on Claims. Roscoe W. Wilson.		
Introduced, referred		876
Recommended passage		1063
Report adopted		1152
Passed; ayes 39, nays 0.....		1152
Received back		1279

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Reported enrolled		1336
Signed by President		1336
Sent to Governor.....		1337
Signed by Governor.....		1453
292 By Committee on Claims. Mrs. Olina Waitz.		
Introduced, referred		876
Recommended passage		1063
Report adopted		1152
Passed; ayes 38, nays 1.....		1153
Received back		1279
Reported enrolled		1336
Signed by President.....		1336
Sent to Governor.....		1337
Signed by Governor.....		1453
293 By Committee on Emer- gency Legislation. River front commissions to erect and finance armories.		
Introduced placed on calendar..	876	
Passed; ayes 43, nays 0.....		877
Received back		897
Reported enrolled		908
Signed by President.....		908
Sent to Governor.....		908
Signed by Governor.....		927
294 By Committee on Appro- priations. To pay the ex- penses of the Iowa Commis- sion to study Liquor Control Legislation.		
Introduced, placed on calendar..	912	
Passed; ayes 36, nays 3.....		1034
Received back		1419
Reported enrolled		1438
Signed by President.....		1438
Sent to Governor.....		1443
Signed by Governor.....		1454
295 By Committee on Cities and Towns. Police and firemen's pension.		
Introduced, placed on calendar..	915	
Passed; ayes 42, nays 0.....		1009
Received back		1119
Reported enrolled		1191
Signed by President.....		1191
Sent to Governor.....		1191
Signed by Governor.....		1293
296 By Committee on Cities and Towns. Appointment of a sanitation and quarantine of- ficer.		
Introduced, placed on calendar..	916	
To sifting committee.....		1003
Placed on calendar.....		1019
Passed; ayes 28, nays 0.....		1019
Received back		1279
Reported enrolled		1336
Signed by President.....		1336
Sent to Governor.....		1337
Signed by Governor.....		1453
297 By Committee on Cities and Towns. Insurance for the benefit of members of volun- teer fire departments.		
Introduced, placed on calendar..	917	
To sifting committee.....		1003
Amendment filed		1159
Placed on calendar.....		1364
Amended		1369
Passed; ayes 38, nays 0.....		1370
Received back		1406
Reported enrolled		1438
Signed by President.....		1438
Sent to Governor.....		1443
Signed by Governor.....		1454

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298 By Committee on Cities and Towns. Appointment of police matrons.	
Introduced, placed on calendar..	917
To sifting committee.....	1003
Placed on calendar.....	1020
Amended	1020
Passed; ayes 26, nays 0.....	1020
Motion to reconsider filed.....	1025
Amendments filed	1143, 1182
Motion to reconsider vote pre- vailed	1169
Action deferred	1169
Amended	1194
Passed; ayes 45, nays 0.....	1195
Title amended	1195
Received back	1323
Reported enrolled	1391
Signed by President.....	1392
Sent to Governor.....	1411
Signed by Governor.....	1453
299 By Committee on Ways and Means. Patent to real estate in Polk County.	
Introduced, placed on calendar..	917
Passed; ayes 41, nays 0.....	919
Received back	1119
Reported enrolled	1142
Signed by President.....	1142
Sent to Governor.....	1142
Signed by Governor.....	1185
300. By Committee on Insurance. Investment of funds of insurance companies.	
Introduced, placed on calendar..	924
H. F. 290 substituted.....	999
Withdrawn	1000
301. By Committee on Cities and Towns. Establishing sewage and garbage works by cities and towns.	
Introduced, placed on calendar..	924
To sifting committee.....	1003
302. By Committee on Ways and Means. Works for collection, and purification of sewage disposal and garbage.	
Introduced, placed on calendar..	927
To sifting committee.....	1003
303 By Committee on Claims. Lyon County.	
Introduced, referred	944
Recommended passage	1063
Report adopted	1153
Amended	1153
Passed; ayes 39, nays 2.....	1154
Received back	1280
Reported enrolled	1336
Signed by President.....	1336
Sent to Governor.....	1337
Signed by Governor.....	1453
304 By Committee on Claims. Inter City Bus Line.	
Introduced, referred	944
Recommended passage	1063
Report adopted	1154
Passed; ayes 39, nays 5.....	1154
Received back	1280
Reported enrolled	1336
Signed by President.....	1336
Sent to Governor.....	1337
Signed by Governor.....	1453

Senate File No.	Page
305 By Committee on Claims. Nettie Mae Bennett and E. D. Marshall.	
Introduced, referred	944
Recommended passage	1063
Report adopted	1155
Passed; ayes 44, nays 0.....	1155
Received back	1280
Reported enrolled	1336
Signed by President.....	1336
Sent to Governor.....	1337
Signed by Governor.....	1453
306 By Committee on Claims. I. J. Petrie.	
Introduced, referred	944
Recommended passage	1064
Report adopted	1155
Passed; ayes 42, nays 1.....	1156
Received back	1280
Reported enrolled	1336
Signed by President.....	1336
Sent to Governor.....	1337
Signed by Governor.....	1453
307 By Committee on Claims. A. R. Walton.	
Introduced, referred	945
Recommended passage.....	1064
Report adopted	1156
Passed; ayes 37, nays 1.....	1156
Received back	1280
Reported enrolled	1336
Signed by President.....	1336
Sent to Governor.....	1337
Signed by Governor.....	1453
308 By Committee on Claims. W. F. Bellamy.	
Introduced, referred	945
Recommended passage	1064
Report adopted	1157
Failed to pass; ayes 29, nays 8.....	1157
Motion to reconsider filed.....	1159
Motion to reconsider prevailed.....	1334
Passed; ayes 42, nays 1.....	1335
Received back	1412
Reported enrolled	1438
Signed by President.....	1438
Sent to Governor.....	1443
Signed by Governor.....	1454
309 By Committee on Claims. Dallas County News and C. W. Havenstein.	
Introduced, referred	945
Recommended passage	1064
Report adopted	1163
Passed; ayes 43, nays 0.....	1163
Received back	1280
Reported enrolled	1336
Signed by President.....	1336
Sent to Governor.....	1337
Signed by Governor.....	1453
310 By Committee on Claims. Leonard and Richard Ruback.	
Introduced, referred	945
Recommended passage	1064
Report adopted	1163
Amended	1164
Passed; ayes 36, nays 5.....	1164
Received back	1280
Reported enrolled	1336
Signed by President.....	1336
Sent to Governor.....	1336
Signed by Governor.....	1453

Senate File No.	Page
311 By Committee on Judiciary	
No. 2. Legalizing act.	
Introduced, placed on calendar..	981
To sifting committee.....	1003
Placed on calendar.....	1313
Passed; ayes 33, nays 0.....	1321
Received back	1365
Reported enrolled	1418
Signed by President.....	1418
Sent to Governor.....	1419
Signed by Governor.....	1453
312 By Committee on Emergency Legislation. Creating a Bureau of Housing.	
Introduced, placed on calendar..	1018
Action deferred	1032
Amendment filed	1183, 1405
To sifting committee.....	1448
313 By Committee on Emergency Legislation. Foreclosure of chattel mortgages on livestock.	
Introduced, referred	1055
Amendment filed	1182
Placed on calendar.....	1206
Amended	1271, 1307
Action deferred	1271, 1283
Amendments filed	1275
Amended	1306
Failed to pass; ayes 7, nays 35..	1307
314 By Committee on Claims. Robert Harrison.	
Introduced, referred	1055
Placed on calendar.....	1167
Passed; ayes 34, nays 2.....	1167
Received back	1280
Reported enrolled	1336
Signed by President.....	1336
Sent to Governor.....	1337
Signed by Governor.....	1453
315 By Committee on Liquor Control. Manufacture, sale and distribution of beer.	
Introduced, placed on calendar..	1106
Referred to sifting committee...	1131
Amendment filed	1159
316 By Committee on Emergency Legislation. Depositors' agreement on waivers.	
Introduced, referred to sifting committee	1185
Placed on calendar.....	1206
Passed; ayes 38, nays 0.....	1222
Motion to reconsider filed.....	1288
Motion to reconsider withdrawn	1291
317 By Committee on Public Schools. Printing public school records by the State of Iowa.	
Introduced, referred	1193
Withdrawn	1211
318 By Committee on Cities and Towns. Street improvement and sewers in cities under commission form of government.	
Introduced, referred	1204
Placed on calendar.....	1313
Passed; ayes 30, nays 0.....	1326
319 By Committee on Cities and Towns. Street improvements.	
Introduced, referred	1205
Placed on calendar.....	1313
Passed; ayes 29, nays 0.....	1326

Senate File No.	Page
320 By Committee on Cities and Towns. Armories.	
Introduced, referred	1205
321 By Committee on Emergency Legislation. Exemption of property from taxation.	
Introduced, referred	1205
Placed on calendar.....	1206
Passed; ayes 29, nays 0.....	1210
Received back	1218
Concurred	1223
Reported enrolled	1260
Signed by the President.....	1260
Sent to Governor.....	1261
Signed by Governor.....	1337
322 By Committee on Emergency Legislation. Uniform cost accounting and financial record of schools.	
Introduced, referred	1205
Placed on calendar.....	1206
Passed; ayes 27, nays 0.....	1211
Received back	1323
Reported enrolled	1391
Signed by President.....	1392
Sent to Governor.....	1411
Signed by Governor.....	1454
323 By Committee on Judiciary No. 1. Compensation of the members of the State Board of Assessment and Review.	
Introduced, referred	1206
Placed on calendar.....	1253
Amended	1301
Passed; ayes 31, nays 6.....	1302
Received back	1442
324 By Committee on Cities and Towns. Legalizing act.	
Introduced, referred	1288
Placed on calendar.....	1313
Passed; ayes 39, nays 2.....	1388
Received back	1415
Reported enrolled	1438
Signed by President.....	1438
Sent to Governor.....	1443
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325 By Committee on Emergency Legislation. Definition and investigation of securities.	
Introduced, referred	1308
Placed on calendar.....	1313
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326 By Committee on Tax Revision and Reorganization. Exempting farm associations from the provisions imposing a tax on corporations doing business in Iowa.	
Introduced, referred	1345
Placed on calendar.....	1364
Passed; ayes 41, nays 0.....	1394
Received back	1399
Reported enrolled	1418
Signed by President.....	1418
Sent to Governor.....	1419
Signed by Governor.....	1454
327 By Committee on Appropriations. "Omnibus" bill.	
Introduced, placed on calendar..	1425
Amended	1429
Passed; ayes 46, nays 0.....	1430
Received back	1432

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Reported enrolled	1450
Signed by President.....	1450
Sent to Governor.....	1450
Signed by Governor.....	1454
328 By Committee on Aircraft Transportations and Rail- roads. Tenure of office of members of the commission on aeronautics.	
Introduced, placed on calendar..	1425
Passed; ayes 43, nays 0	1426

Senate File No.	Page
Received back	1432
Reported enrolled	1450
Signed by President.....	1450
Sent to Governor.....	1450
Signed by Governor.....	1454
329 By Committee on Educa- tional Institutions. Estab- lishing a State Normal College at Tabor, Fremont County, Iowa.	
Introduced, referred	1450

HISTORY OF HOUSE BILLS IN SENATE

HOUSE FILES AND JOINT RESOLUTIONS PASSED AND APPROVED

1, 6, 8, 17, 21, 23, 28, 35, 38, 39, 40, 44, 49, 56, 69, 75, 77, 84, 86, 87, 89, 94, 97, 98, 106, 111, 112, 114, 115, 116, 118, 122, 134, 135, 140, 141, 146, 151, 160, 165, 166, 178, 179, 185, 188, 193, 194, 209, 210, 216, 223, 224, 231, 232, 235, 236, 257, 264, 265, 268, 269, 271, 274, 275, 278, 281, 284, 289, 290, 291, 292, 295, 296, 297, 299, 300, 304, 307, 308, 309, 310, 311, 312, 313, 316, 317, 318, 320, 321, 323, 324, 326, 327, 328, 329, 330, 331, 333, 334, 336, 342, 343, 344, 346, 347, 349, 350, 352, 353, 357, 358, 360.

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1 By Dean, Fabritz, Grau, Mercer, Rice, Speidel. Tax- ation; sales; income taxes.		Action deferred	715
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Amendments filed		Amended	1370
810, 811, 833, 834, 835, 849, 850, 851, 866, 880, 881-894, 913, 914, 925		Rereferred	1370
Substituted for S. F. 1.	824	17 By Committee on Judiciary	
Amended		No. 2. Lien of poll taxes and of taxes on personal property.	
848, 861, 862, 863, 874, 904, 905, 906, 907, 935, 953, 954, 955, 958		Received, referred	177, 179
Motion to reconsider filed	849, 866	Recommended amendment and passage	251
Motion to reconsider prevailed	951	Amendment adopted	273
Passed; ayes 37, nays 13	977	Action deferred	273
Title amended	978	Amendment filed	284
Received back	991	Amendment adopted	286
Refused to recede	1031	Passed; ayes 45, nays 0	287
Conference committee appointed	1031	Received back	340
Report received	1178	Refused to recede	491
Report adopted	1189	Conference committee appointed	492
Signed by President	1287	Report received	708
5 By Johnson. Entering of judgment in certain cases.		Report adopted	1107
Received, referred	151, 163	Signed by President	1116
Recommended passage	567	18 By Committee on Judiciary	
To sifting committee	1003	No. 1. Motor vehicles and the operation thereof.	
6 By Johnson. Remission of taxes in case of loss.		Received, referred	340, 341
Received, referred	99, 100	To sifting committee	1003
Recommended passage	524	19 By Committee on Judiciary	
Report adopted	524	No. 2. Filing of shorthand reporter's report.	
Passed; ayes 29, nays 9	525	Received, referred	177, 180
Signed by President	538	To sifting committee	1003
8 By Paisley. Legalizing act.		20 By Committee on Judiciary	
Received, referred	333	No. 1. Salary of the superin- tendent of the hospital for epileptics and school for feeble-minded.	
Recommended passage	445	Received, referred	918, 924
Report adopted	840	Recommended passage	980
Passed; ayes 37, nays 0	841	To sifting committee	1003
Signed by President	872	21 By Committee on Judiciary	
14 By Committee on Judiciary		No. 2. Computation of tax rates.	
No. 1. Defining the term "search warrant."		Received, referred	177, 180
Received, referred	177, 178	Recommended amendment and passage	251
To sifting committee	1003	Amendment filed	262
15 By Committee on Judiciary		Amendment as substituted adopted	274
No. 2. Inurement of policies of insurance.		Passed; ayes 44, nays 0	274
Received, referred	177, 179	Title amended	275
To sifting committee	1003	House refusal received	308
16 By Committee on Judiciary		Refused to recede	495
No. 1. Traffic rules on streets and highways.		Conference committee appointed	496
Received, referred	353, 354	Report filed	544
Recommended passage	576	Received	591
Report adopted	715	Report adopted	604
		Signed by President	611

House File No.	Page
22 By Committee on Judiciary	
No. 1. Investment of funds of fraternal beneficiary societies.	
Received, referred	353, 354
Recommended passage	980
To sifting committee	1003
23 By Committee on Judiciary	
No. 2. Secondary road construction fund.	
Received, referred	162, 163
Recommended passage	291
Passed; ayes 23, nays 0	414
Signed by President	468
24 By Committee on Judiciary	
No. 1. Adoption of children.	
Received, referred	177, 180
Recommended passage	252
Action deferred	
..... 275, 287, 316, 1370, 1396	
To sifting committee	1396
25 By Committee on Judiciary	
No. 2. Filing of motions and hearing thereon in proceedings for judgments on motion.	
Received, referred	177, 180
Reported without recommendation	576
To sifting committee	1003
26 By Committee on Judiciary	
No. 1. Banks and loan and trust companies.	
Received, referred	162, 163
To sifting committee	1003
28 By Yager. Executive council of the state to sell certain land.	
Received, referred	104, 105
Recommended amendment and passage	291
Report adopted	494
Amendments as amended adopted	494
Passed; ayes 35, nays 0	494
Received back	502
Signed by President	513
34 By Goode. Nepotism.	
Received, referred	151, 163
Reported without recommendation	577
To sifting committee	1003
35 By Burgess. Liens for services of licensed veterinarians.	
Received, referred	857, 860
To sifting committee	1003
Placed on calendar	1364
Amended	1403, 1408, 1409
Amendment filed	1405
Passed; ayes 37, nays 7	1409
Title amended	1409
House concurrence received	1415
Signed by President	1423
37 By Mooty. License fees on motor vehicle trailers.	
Received, referred	353, 354
To sifting committee	1003
38 By Johnson. Purchase of property by cities to erect buildings for police stations.	
Received, referred	67, 68
Recommended passage	78
Report adopted	90

House File No.	Page
Passed; ayes 39, nays 0	90
Signed by President	99
39 By Yager. Posting of ordinances.	
Received, referred	105
Called from committee	152
Passed; ayes 40, nays 0	152
Signed by President	183
40 By Cunningham, Zylstra, McKinnon, Stimpson. Regulation of small loans.	
Received, referred	120, 137
Recommended indefinite postponement	328
Report rejected	816
Amendment filed	941, 942
Substitute amendment adopted	1234
Amended	1235, 1236
Amendments filed	1238
Amended	1245, 1246, 1248
Passed; ayes 46, nays 1	1249
Received back	1328
Concurred	1328
Signed by President	1389
43 By Roe and Mooty. Telephone systems.	
Received, referred	963, 978
To sifting committee	1003
Placed on calendar	1406
44 By Garner. Legalizing act.	
Received, referred	177, 180
Substituted for S. F. 30	208
Passed; ayes 39, nays 0	209
Signed by President	258
45 By Bowers. Liability insurance for employees operating state owned motor vehicles.	
Received, referred	246, 249
Recommended passage	594
To sifting committee	1003
47 By Hopp, McFarlane. Trust funds set aside for the maintenance of burial places.	
Received, referred	370, 377
Amendment filed	546, 568
Recommended passage	721
To sifting committee	1003
48 By McLean. Replacement and repair parts of machines and mechanical devices.	
Received, referred	177, 181
To sifting committee	1003
49 By McLean. Legalizing act.	
Received, referred	162, 163
Recommended passage	253
Action deferred	276
Passed; ayes 41, nays 0	307
Signed by President	334
56 By Fuester. Refund on road poll taxes.	
Received, referred	105
Placed on calendar	496
Passed; ayes 37, nays 1	522
Signed by President	538
68 By Moore of Harrison. Limitation upon the size of school districts.	
Received, referred	272, 279
Recommended passage	433
To sifting committee	1003
Placed on calendar	1364
Amendment filed	1424

House File No.	Page
69 By Moore of Harrison. Location of depository banks.	
Received, referred	162, 164
Recommended passage	258
Passed; ayes 36, nays 1	481
Signed by President	499
71 By Gallagher. Form in which bills shall be printed which amend sections of the code.	
Received, referred	360, 366
To sifting committee	1003
74 By Durant, Foster. Payment of road poll tax.	
Received, referred	196, 201
Recommended passage	487
Report adopted	523
Failed to pass; ayes 21, nays 21	523
Motion to reconsider filed	530
Motion to reconsider prevailed	621
Action deferred	622
Amendment withdrawn	646
Failed to pass; ayes 12, nays 31	647
75 By Smith. Transfer of funds in Cherokee county.	
Received, referred	333
Reported without recommendation	445
Report adopted	563
Passed; ayes 29, nays 14	563
Signed by President	599
76 By Grau. Cost of contesting elections.	
Received, referred	340, 342
To sifting committee	1003
77 By Cunningham, Millhone, Moore of Benton. Authorizing mutual insurance companies other than life to establish a guaranty fund.	
Received, referred	246, 249
Substituted for S. F. 56	277
Amended	278
Passed; ayes 40, nays 0	278
House concurrence received	308
Signed by President	325
78 By Lookingbill, Rice. General executions for balance.	
Received, referred	272, 279
Placed on calendar	547
Rereferred	922, 924
To sifting committee	1003
80 By Bowers, Beath, Hook, Hultman, Thies, Hopp, Laughlin, McDermott, Malone. Killing of foxes.	
Received, referred	992, 997
83 By McKinnon, Fuester, Alesch, Zylstra. Extending the time in which answer may be made by defendant in real estate foreclosure actions.	
Received, referred	326
Amendment filed	356
To sifting committee	1003
Amendment filed	1274
84 By Strachan. Transfer of funds in Humboldt county.	
Received, referred	333, 334
Placed on calendar	492

House File No.	Page
Passed; ayes 31, nays 3	492
Signed by President	513
86 By Peaco. Legalizing act.	
Received, referred	162, 164
Recommended passage	188
Passed; ayes 45, nays 0	224
Signed by President	302
87 By Committee on Banks and Banking. Capital stock of banks and trust companies.	
Received	99
Substituted for S. F. 49	100
Amendments filed	110
Amended	119, 120
Passed; ayes 41, nays 6	120
Received	143
Receded	144
Signed by President	153
89 By Crouch. Legalizing act.	
Received, referred	333, 334
Rereferred	355
Recommended indefinite postponement	408
Substituted for S. F. 62	678
Report rejected	679
Passed; ayes 34, nays 11	680
Signed by President	708
92 By Teter, Falvey, Craven, Augustine, Donlon, Davis, Doran, Gallagher, Goode, Mitchell, Gittinger, Millhone, Fabritz, Ostby. Preference for Iowa coal.	
Amendment filed	348
94 By Mercer. Compensation of employees in motor vehicle fuel tax division.	
Received, referred	503, 506
Recommended passage	595
To sifting committee	1003
Placed on calendar	1031
Passed; ayes 29, nays 4	1031
Signed by President	1067
96 By Stanzel. Reduction in tax levy on real estate and personal property.	
Received, referred	539, 543
To sifting committee	1003
97 By Hook. Protection of the permanent school fund.	
Received, referred	370, 377
Recommended amendment and passage	612
Report adopted	619
Amended	619
Passed; ayes 47, nays 0	619
Title amended	620
Received back	823
Refused to recede	842
Conference committee appointed	842
Change in committee	871
Report filed	1086
Report adopted	1150
Signed by President	1187
98 By McCreery. Real estate brokers.	
Received, referred	353, 354
Placed on calendar	534
Amended	534
Passed; ayes 29, nays 0	534
House concurrence received	1095
Signed by President	1107

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99	By Zylstra. Revenues from permit fees for sale of beer. Received, referred.....	196, 201
	To sifting committee.....	1003
101	By Moore of Harrison. City aid in the purchase of land for state parks. Received, referred.....	353, 354
	To sifting committee.....	1003
102	By Moore of Harrison. Obstructing natural water courses. Received, referred.....	360, 366
	To sifting committee.....	1003
105	By Ostby, Grell, Bouska, Lookingbill. Requiring licenses for stores. Amendment filed.....	253, 299
106	By Koch. Legalizing act. Received, referred.....	353, 354
	Recommends passage.....	445
	Passed; ayes 39, nays 2.....	482
	Signed by President.....	499
111	By Committee on Judiciary No. 2. Warrants not paid for want of funds. Received, referred.....	196, 201
	Amendment filed.....	214
	Substituted for S. F. 117.....	227
	Amended.....	228
	Passed; ayes 43, nays 0.....	228
	House concurrence received.....	326
	Signed by President.....	334
112	By Millhone, Speidel. Treatment of indigent persons. Received, referred.....	478, 486
	Recommended passage.....	545
	Amendment filed.....	605
	Made special order.....	840, 1000
	Report adopted.....	1055
	Amendment lost.....	1056
	Passed; ayes 38, nays 3.....	1056
	Signed by President.....	1095
114	By Jensen. Transfer of funds in Audubon county. Received, referred.....	592
	Reported without recommendation.....	594
	Report adopted.....	902
	Passed; ayes 40, nays 3.....	902
	Signed by President.....	934
115	By Treimer. Transfer of funds in O'Brien county. Received, referred.....	353, 355
	Reported without recommendation.....	445
	Report adopted.....	532
	Failed to pass; ayes 28, nays 7.....	533
	Motion to reconsider filed.....	533
	Motion to reconsider prevailed.....	561
	Passed; ayes 31, nays 11.....	562
	Signed by President.....	599
116	By Moore of Harrison. Transfer of funds in Harrison county. Received, referred.....	360, 367
	Recommended passage.....	576
	Report adopted.....	799
	Passed; ayes 30, nays 10.....	799
	Signed by President.....	838

House File No.		Page
118	By Garner. Transfer of funds in Butler county. Received, referred.....	478, 486
	Reported without recommendation.....	577
	Passed; ayes 28, nays 12.....	630
	Signed by President.....	669
122	By Committee on Banks and Banking. Issuance of preferred stock by banks and trust companies. Received.....	163
	Substituted for S. F. 50.....	167
	Amended.....	168
	Passed; ayes 34, nays 11.....	168
	Title amended.....	168
	House concurrence received.....	177
	Signed by President.....	183
125	By Aldrich. Transfer of funds in Wright county. Received, referred.....	478, 486
	Reported without recommendation.....	577
	To sifting committee.....	1003
127	By Yager. Collections of costs of serving notice. Received, referred.....	360, 367
	Recommended passage.....	577
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134	By Doran. Superintendent of banking to take possession of banking institutions without insolvency proceedings. Received, referred.....	370, 377
	Rereferred.....	378
	Placed on calendar.....	703
	Passed; ayes 34, nays 3.....	703
	Signed by President.....	726
135	By Stansell, Cunningham. Restaurant licenses. Received, referred.....	982, 989
	To sifting committee.....	1003
	Placed on calendar.....	1253
	Passed; ayes 42, nays 1.....	1302
	Signed by President.....	1389
137	By Maniece. Referees in probate matters. Received, referred.....	370, 378
	Reported without recommendation.....	663
	To sifting committee.....	1003
140	By Ellsworth. Place of payment of public bonds and interest. Received, referred.....	1108, 1109
	Placed on calendar.....	1313
	Passed; ayes 33, nays 0.....	1313
	Signed by President.....	1389
141	By Willis. Transfer of funds in Washington Consolidated Independent school district. Received, referred.....	370, 377
	Recommended passage.....	445
	Report adopted.....	493
	Passed; ayes 34, nays 2.....	493
	Signed by President.....	513
142	By Elliott. Abolishment of permanent park board. Received, referred.....	1407, 1411

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146 By Craven. Hospital liens.	
Received, referred.....	764, 765
Recommended passage.....	860
To sifting committee.....	1003
Recommended passage.....	1253
Amended.....	1330
Passed; ayes 36, nays 1.....	1330
House concurrence received.....	1382
Signed by President.....	1423
151 By Johnson. Appropriation to defray expenses of Supreme Court.	
Received, referred.....	896, 900
Recommended passage.....	1191
Passed; ayes 34, nays 9.....	1304
Signed by President.....	1389
160 By Committee on Motor Vehicles and Transportation. Motor vehicle license fees.	
Received, referred.....	326
Placed on calendar.....	651
Made special order.....	726
Passed; ayes 45, nays 1.....	731
Signed by President.....	779
162 By Rice, Garner, Alesch. Nonpartisan nomination and election of judges.	
Received, referred.....	1145, 1157
Placed on calendar.....	1397
163 By Mitchell. Liability insurance for police and fire departments.	
Received, referred.....	1365
165 By Strachan. Levying of a poor tax.	
Received, referred.....	503, 506
Made special order.....	507
Amendments filed.....	511
Amendments adopted.....	516
Passed; ayes 36, nays 5.....	517
House concurrence received.....	538
Signed by President.....	538
166 By Hartman. Actions to recover taxes upon property of decedents.	
Received, referred.....	360, 367
Substituted for S. F. 133.....	419
Passed; ayes 34, nays 0.....	419
Signed by President.....	468
178 By Peet, Metcalf, Millhone. Practice of cosmetology.	
Received, referred.....	1027, 1037
Placed on calendar.....	1313
Passed; ayes 33, nays 4.....	1331
Signed by President.....	1423
179 By Johnson. Assistant chief justice.	
Received, referred.....	432
Recommended passage.....	663
Report adopted.....	719
Passed; ayes 31, nays 0.....	719
Signed by President.....	779
180 By Moore of Harrison, Malone. Establishing county agricultural boards.	
Amendment filed.....	299, 314
185 By Moore of Benton, Cunningham, Mitchell. Collection of license fees on motor vehicle fuel.	
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Made special order.....	966
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Amended.....	1198, 1199
Motion to reconsider prevailed.....	1200
Amended.....	1201
Passed; ayes 45, nays 4.....	1203
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Amendment filed.....	1238, 1253, 1254
Motion to reconsider prevailed.....	1261
Amended.....	1262, 1263
Passed; ayes 46, nays 0.....	1263
House concurrence received.....	1292
Signed by President.....	1389
188 By Durant. Transfer of funds in Hancock county.	
Received, referred.....	432
Reported without recommendation.....	577
Reported adopted.....	657
Passed; ayes 37, nays 4.....	657
Signed by President.....	708
193 By Elliott. Legalizing act.	
Received.....	308
Substituted for S. F. 152.....	316
Passed; ayes 33, nays 0.....	317
Signed by President.....	327
194 By Doran. Reimbursement of school districts because of tax-free lands.	
Received, referred.....	598
Recommended passage.....	708
Report adopted.....	828
Passed; ayes 39, nays 0.....	828
Signed by President.....	858
209 By Lookingbill. Powers of Boards of Education.	
Received, referred.....	839, 844
Recommended amendment and passage.....	979
Report adopted.....	1006
Amendment adopted.....	1007
Amended.....	1007
Passed; ayes 44, nays 0.....	1007
House concurrence received.....	1123
Signed by President.....	1145
210 By Laughlin. Authorizing a patent to real estate in Fremont county.	
Received, referred.....	764, 767
Substituted for S. F. 178.....	802
Passed; ayes 44, nays 0.....	803
Signed by President.....	838
211 By Wiese. Legalizing act.	
Received, referred.....	896, 900
Rereferred.....	913
To sifting committee.....	1003
216 By Mitchell. Permits to pipe line companies.	
Received, referred.....	982, 988
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To sifting committee.....	1003
Amendments filed.....	1065
Placed on calendar.....	1206
Amended.....	1304, 1305
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House concurrence received.....	1333
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House File No.	Page
223 By Mercer. Commission on aeronautics; powers and duties.	
Received, referred	922 924
To sifting committee	1003
Placed on calendar	1206
Amended	1268
Passed; ayes 33, nays 14	1269
House concurrence received	1292
Signed by President	1389
224 By Maniece. Transfer of funds in Emmet county.	
Received, referred	598, 599
Placed on calendar	809
Amended	825
Passed; ayes 35, nays 10	826
House concurrence received	868
Signed by President	872
231 By Ellsworth. Legalizing agreements by public officials.	
Received, referred	592
Recommended passage	721
To sifting committee	1003
Placed on calendar	1313
Passed; ayes 26, nays 7	1320
Signed by President	1389
232 By Beswick, Grau, Rice, McKinnon, Lookingbill. Execution and delivery of treasurer's deeds.	
Received, referred	631, 638
To sifting committee	1003
Amendment filed	1275
Placed on calendar	1364
Amended	1391
Passed; ayes 42, nays 0	1391
House concurrence received	1415
Signed by President	1423
235 By Osborn. Duties of county treasurers.	
Received, referred	539, 544
Recommended passage	595
Report adopted	618
Amended	618
Passed; ayes 28, nays 10	618
House concurrence received	934
Signed by President	947
236 By Swift. Building and loan associations.	
Received, referred	931, 945
To sifting committee	1003
Placed on calendar	1364
Passed; ayes 33, nays 1	1395
Signed by President	1423
244 By Rice, Mercer. Revocation of operators and chauffeurs licenses.	
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257 By Ellsworth. Filing claims against state sinking fund.	
Received, referred	982, 988
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269 By Committee on Agriculture. Weights of bread.	
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STEVENS, FRANK M.—Senator Fifth District.

Bills introduced—Nos. 66, 210.	
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Amendments offered.....	293, 356, 509, 532, 618, 797, 850
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Bills introduced—Nos. 48, 51, 66, 185, 210, 230.	
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Bills introduced—Nos. 65, 133, 168, 209, 210, 230.	
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Bills introduced—Nos. 19, 20, 21, 33, 38, 87, 104, 121, 128, 142, 188, 209, 230.	
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VALENTINE, JOHN K.—Senator Third District.

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WENNER, EDW. J.—Senator Thirty-eighth District.

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